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**CHAPTER 405****THE SMALL CHARGES ACT**

## Arrangement of Sections

## Section

1. Short title.
2. Interpretation.

**PART I***Arrest of Certain Offenders.*

3. Apprehension of idle and disorderly person, etc.
4. Arrest of persons trespassing on lands and premises.
5. Arrest of person found carrying arms, etc.
6. Warrant for apprehension of idle and disorderly person, etc.
7. Warrant to search for, and apprehend idle and disorderly person, etc.
8. Property of idle and disorderly person, etc.

**PART II***Offences.*

9. Abuse and bad language.
10. Aiders and abettors in offences punishable on summary conviction.
11. Annoyance in public place.
12. Arms and other offensive weapons.
13. Assault.
14. Begging.
15. Boats, removing.
16. Dancing or other amusement.
17. Depasturing stock.
18. Disorderly conduct.
19. Disorderly house.
20. Driving and riding.
21. Animals in public place.
22. Vehicles to be marked.

23. Drunkenness.
24. Escaping from legal confinement or custody.
25. Family, neglect or desertion of.
26. Eire.
27. Fireworks, firearms, etc.
28. Gambling.
29. Harboursing thieves, etc.
30. Incurable rogues.
31. Indecency.
32. Summary trial of indictable offences created by certain sections of the Larceny Act.
33. Malicious damage.
34. Nuisances.
35. Loudspeakers, gramophones, etc.
36. Offences for which no punishment provided.
37. Officers neglecting their duty.
38. Police, hindrance, assault, obstruction of, etc.
39. Posting placards, and defacing buildings, etc.
40. Pretending to tell fortunes, etc.
41. Prostitution.
42. Refusal to assist police officer, etc.
43. Refusing to give name, etc.
44. Riotous conduct.
45. Rogues and vagabonds.
46. Receiving and being in possession of property stolen or unlawfully obtained.
47. Taking horses, etc.
48. Threats.
49. Throwing missile in thoroughfare.
50. Trading on Sundays, &c.
51. Trespass on lands, etc.
52. Vagrancy.
53. Vagrancy with burglars' tools or with arms, etc.
54. Vagrants assaulting or resisting the police.
55. Violence.
56. Wounding.
57. Deceit of public officer and false information to person employed in the Public Service.

PART III

*Procedure.*

58. Offences punishable on summary conviction.

- 59. Form of conviction as idle and disorderly person, etc.
- 60. Powers of Magistrate as to property of idle and disorderly person, etc.

SCHEDULE



SMALL CHARGES

(1st March, 1892.)

- 11/1891.
- 4/1876.
- 7/1897.
- 24/1897.
- 8/1906.
- 8/1924.
- 3/1927.
- 2/1931.
- 4/1932.
- 7/1933.
- 2/1936.
- 11/1939.
- 5/1942.
- 8/1944.
- 1/1947.
- 8/1948.
- 10/1949.
- 18/1949.
- 4/1953.
- 14/1955.
- S.R.O. 22/1956.
- 15/1961.
- 7/1963.
- 9/1965.
- 10/1972.
- 22/1974.
- 30/1982.
- 18/1989.

- 1. This Act may be cited as the Small Charges Act. Short title.
- 2. In this Act— Interpretation.
  - "public place" includes any road, street, square, side-walk, alley, court, path, wharf, pier, jetty, bridge, shop, courthouse or any other place to which the public have access or are admitted without payment.

PART I

*Arrest of Certain Offenders.*

- 3. It shall be lawful for any person whatsoever to apprehend any person who shall be found committing any offence, upon conviction for which he would be deemed to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue within the meaning of this Act; and Apprehension of idle and disorderly person, etc.

(a) forthwith to take and convey him before a Magistrate; or

(b) to deliver him to any constable or other peace officer of the place where he shall have been apprehended, to be taken and conveyed before a Magistrate;

to be dealt with in such manner as herein directed.

(2) In case any constable or other peace officer—

(a) shall refuse or wilfully neglect to take any such offender into his custody and to take and convey him before some Magistrate; or

(b) shall not use his best endeavours to take and convey before some Magistrate any person that he shall find committing any such offence; it shall be deemed a neglect of duty in any such constable or other peace officer, and he shall, on conviction, be punished in such manner as in section 37 directed.

Arrest of persons trespassing on lands and premises.

**4.** It shall be lawful for a constable to arrest without warrant any person whom he sees committing an offence against section 51.

Arrest of person found carrying arms, etc.

**5.** Any peace officer may arrest any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, who shall be unable to afford a satisfactory reason for the possession of the same, and take such person before a Magistrate.

Warrant for apprehension of idle and disorderly person, etc.

**6.** It shall be lawful for any Magistrate upon oath being made before him, that any person has committed or is suspected of having committed any offence, upon conviction for which he would be deemed to be an idle and disorderly person, or a rogue and a vagabond, or an incorrigible rogue within the meaning of this Act, to issue his warrant to apprehend and bring before him or some other Magistrate the person so charged to be dealt with as directed by this Act.

Warrant to search for, and apprehend idle and disorderly person, etc.

**7.** It shall be lawful for any Magistrate upon information on oath before him made, and any person herein described as an idle and disorderly person or as a rogue and

a vagabond or as an incorrigible rogue, is, or is reasonably suspected to be, harboured or concealed in any house kept or purported to be kept for the reception, lodging or entertainment of travellers, by warrant under his hand and seal, to authorize any constable or other person or persons to enter at any time into such house and to apprehend and bring before him or any other Magistrate every such idle and disorderly person, rogue and vagabond, and incorrigible rogue as shall be found therein, to be dealt with in the manner herein directed.

8. It shall be lawful for any constable, peace officer or other person apprehending any person charged with being an idle and disorderly person, or a rogue and a vagabond or an incorrigible rogue to take any horse, mule, ass, cart, car, caravan or other vehicle or goods, in the possession or use of such person and to take and convey the same as well as such person before some Magistrate.

**Property of idle and disorderly person, etc.**

## PART II

### *Offences.*

9. Any person who makes use of any abusive, blasphemous, indecent, insulting, profane or threatening language—

**Abuse and bad language.**

(a) in any public place; or

(b) in any place to the annoyance of the public; or

(c) tending to a breach of the peace;

shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month.

10. Every person who aids, abets, counsels or procures the commission of any offence which is punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall also be liable on conviction to the same forfeitures and punishments and to make the same payments as those to which the principal offender would be liable, and he may be proceeded against and convicted either in the place where the principal offender may be triable or in that in which the offence of aiding, abetting, counselling or procuring was committed.

**Aiders and abettors in offences punishable on summary conviction.**

**Annoyance in public place.**

**11.** Any person who in any public place persists, after being warned not to do so by any other person, or a Police Officer, Local or Special Constable in accompanying or following such other person about for the purpose of—

- (a) soliciting alms or employment; or
- (b) satisfying idle curiosity; or
- (c) annoying;

shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding fourteen days.

**Arms and other offensive weapons.**

**12.** Any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon whatsoever, or any explosive matter or thing, who is unable to afford a satisfactory reason for the possession of the same, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding one month, and in addition to any such penalty, the Magistrate may take from any such person any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon.

**Assault.**

**13.** (1) Any person who shall assault or beat any other person, shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two months.

(2) Any person who in the opinion of the Magistrate is guilty of an aggravated assault—

- (a) on any male child whose age does not in the opinion of the Magistrate exceed fourteen years; or
- (b) upon any female;

shall be liable to a fine not exceeding seven hundred and fifty dollars, or to imprisonment for a term not exceeding six months.

**Begging.**

**14.** (1) Any person wandering abroad or placing himself in any public place to beg or gather alms, shall be deemed an idle and disorderly person within the meaning of this Act, and shall be liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding one month.

(2) Any person—

(a) wandering abroad and endeavouring by the exposure of wounds or deformities; or

(b) going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence;

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

**15.** Any person who takes or attempts to take any boat, canoe or raft from or out of any mooring, wharf, boathouse, beach, landing stage or other place, for the purpose of using the same, without the consent of the person or persons entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, shall be liable to a fine not exceeding five hundred dollars, and the payment of such fine, or the suffering of any imprisonment in default of such payment, shall not affect the right of action of the party aggrieved. **Boats, removing.**

**16.** (1) Any person who receives in any house or place for the purpose of dancing or other amusement for money or other payment or reward, any persons, without having obtained a licence for such purpose from a Magistrate under his hand and seal (which licence it shall be discretionary in the Magistrate to grant or withhold) shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months. **Dancing or other amusement.**

(2) Any peace officer may enter any house or place where dancing or other amusement shall be going on for money or other payment or reward, or where any persons shall be assembled for such purpose, without a licence as provided for in subsection (1), and warn all persons received therein to leave and disperse, and any person remaining in such house or place after such warning, or not dispersing when required so to do by any peace officer, shall be deemed to be an idle and disorderly person within the

LAWS OF ANTIGUA AND BARBUDA

CAP. 405)

*Small Charges*

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meaning of this Act, and shall be liable to imprisonment for a term not exceeding one month.

**Depasturing stock.**

**17.** Any person who unlawfully and maliciously places, fastens and depastures any animal on any land or on any public thoroughfare, shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding one month.

**Disorderly conduct.**

**18.** (1) Any person who, in any public place conducts himself in a disorderly manner, or conducts himself in such a noisy manner as to disturb the neighbourhood, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding one month.

(2) If any person shall conduct himself in his own house or premises, or shall suffer to allow any other person so to conduct himself therein as to repeatedly annoy or disturb the neighbourhood, any person annoyed or disturbed thereby may complain to a Magistrate, who may, if he is satisfied that there are good grounds for such complaint, cause the person so offending to be warned, and if after such warning such person shall within three months so conduct himself in his own house or premises, or shall suffer or allow any other person so to conduct himself therein as to annoy or disturb the neighbourhood, he shall be liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding one month.

(3) Any person who behaves profanely or irreverently or indecently or in a disorderly manner, or who smokes in any building appropriated for religious worship during the performance of any religious service therein, or in any churchyard or cemetery during the performance of any religious service on the interment of the dead, shall be liable to a fine not exceeding five hundred dollars.

(4) Any person who wilfully disturbs, interrupts or disquiets any body of persons assembled for any moral, social or benevolent purpose by profane discourse, by rude or indecent behaviour or by making a noise, either within the place of such assembly or so near it as to disturb the same, shall be liable to a fine not exceeding five hundred dollars.

(5) (a) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty dollars.

(b) Any person who incites others to commit an offence under this subsection shall be guilty of a like offence.

**19.** (1) Any person keeping a disorderly house or a brothel, in any town or village, or allowing his house to be a disorderly house or to be used as a brothel, shall be liable to a fine not exceeding one thousand dollars. **Disorderly house.**

(2) Upon the complaint on oath, made to any Magistrate by any two or more respectable freeholders or householders that any person in their neighbourhood keeps a disorderly house to the nuisance of those in its vicinity, it shall be lawful for such Magistrate to inquire into the case, and if the complaint be duly proved, the offender shall be liable to a fine not exceeding one thousand dollars.

**20.** (1) Any person who shall ride or drive furiously in any public place in such a manner as is calculated to endanger the life or limb of persons lawfully in and upon such public place, shall be liable to a fine not exceeding one hundred dollars. **Driving and riding.**

(2) Any person who shall wilfully or carelessly drive any animal, or drive any vehicle against any other person or against any other animal or vehicle, being ridden or driven respectively by any other person in any public place, shall be liable to a fine not exceeding one hundred dollars.

(3) Any driver of any vehicle who shall be found riding in or on the same without having and holding the reins, or who shall when holding the reins ride on the shaft of such vehicle, or shall be at such a distance from the same that he cannot have proper control over the animal or animals drawing the same, or who shall not observe the customary rules of the road when meeting or passing or being passed or overtaken by any vehicle, shall be liable to a fine not exceeding one hundred dollars.

**Animals in public place.**

**21.** Any person in charge of any animal or animals in any public place who shall wilfully be at such a distance from such animal or animals that he cannot have proper control over such animal or animals so in his charge, shall be liable to a fine not exceeding one hundred dollars.

**Vehicles to be marked.**

**22.** Any person being the owner of any cart, dray or waggon which is in use, without having the name of the owner legibly marked on the off or right hand side thereof with paint, shall be liable to a fine not exceeding one hundred dollars.

**Drunkenness.**

**23.** (1) Any person found drunk in any public place or on any licensed premises, shall be liable to a fine not exceeding one hundred dollars; and on a second conviction within a period of twelve months, shall be liable to a fine not exceeding two hundred and fifty dollars; and on any subsequent conviction within such period of twelve months shall be liable to a fine not exceeding five hundred dollars.

(2) Any person who, in any public place, is drunk when—

(a) in charge of any motor car or other vehicle propelled by mechanical power and so constituted that no smoke or visible vapour is emitted therefrom, except from any temporary or accidental causes; carriage, cart, cattle, horse or steam engine; or

(b) in possession of any loaded firearm;

shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month.

**Escaping from legal confinement or custody.**

**24.** (1) Any person breaking or escaping out of any place of legal confinement before the expiration of the term for which he shall have been convicted, or ordered to be confined, by virtue of this Act, shall be deemed an incorrigible rogue within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

(2) Any person in lawful custody of any police officer, or other person, who escapes, or attempts to escape, from such custody, shall be liable to imprisonment for a term not exceeding three months; but this section shall not be held

to prevent any person escaping from lawful custody from being proceeded against under any other Act:

Provided that no person shall be punished twice for the same offence.

**25.** (1) Any person being wholly or in part able to maintain his or her children, whether legitimate or illegitimate, and if a male his wife, by work or by other lawful means, and wilfully refusing or neglecting to do so, shall be deemed to be an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding one month. **Family, neglect or desertion of.**

(2) Any person who deserts his wife or children shall be liable to imprisonment for a term not exceeding three months.

(3) Any person running away and leaving his wife or his or her child or children, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

**26.** (1) Any person who in any place carelessly carries or uses any fire shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding one month. **Fire.**

(2) Any person who by the careless or improper use of fire within any city, town or village endangers any lives or property therein, shall be liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months.

**27.** (1) Any person who, except with the permission of the Governor-General — **Fireworks, firearms, etc.**

(a) discharges any cannon;

(b) lets off, or assists in letting off any fireworks; or

(c) lights, or assists in lighting any bonfire; or

(d) carries any flaming torch, or naked light for any purpose other than the exercise of a lawful trade or occupation,

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in any public place in any city, town or village, or within one hundred yards thereof, shall be liable to a fine not exceeding two hundred and fifty dollars.

(2) Any person who discharges any gun, pistol or other firearm in any public place or within one hundred yards thereof, except on some lawful and necessary occasion shall be liable to a fine not exceeding two hundred and fifty dollars.

**Gambling.**

**28.** (1) Any person who knowingly permits any building or place in his occupation to be used for the purpose of gambling therein shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(2) Any Magistrate or Justice of the Peace (other than an officer of the Police) who is satisfied by proof upon oath that there is reasonable ground for believing that any place is kept or used as a gaming house, may, by warrant authorize any police officer, with such assistance and by such force as may be necessary, by night or by day, to enter such place, and to search the same and all persons found therein, and to take into custody all persons, and to seize all instruments and appliances for gambling, and all moneys or securities for money found therein or in the possession of any person escaping therefrom:

Provided that whenever, owing to the lateness of the hour, it shall be inconvenient to obtain a warrant, then it shall be lawful for any commissioned officer of the Police Force, or any police officer not under the rank of corporal, by night, without warrant, to enter any place which he has reasonable grounds for believing is kept as a gambling house, and any such officer shall, upon such entry, have the same powers of search, arrest and seizure as may be exercised by a police officer duly authorized by warrant under this section:

Provided that no such entry without a warrant shall be made unless such officer is, at the time of entry, in the dress and uniform of the Police Force.

(3) If any instruments or appliances for gambling are found in any place entered under the provisions of this

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section, or upon any person found therein or escaping therefrom, it shall be evidence, until the contrary be made to appear, that such place is used as a gaming house, and that the persons found therein or escaping therefrom were playing therein, although no play was actually going on in the presence of the police officer entering such place, under the provisions of this Act, or in the presence of those persons by whom he shall be accompanied as aforesaid: and shall be lawful for the Magistrate before whom any person shall be taken to direct all such instruments or appliances of gaming to be forthwith destroyed.

(4) Every person found in any such place without lawful excuse shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

(5) Any person who is concerned in holding a lottery shall be liable to a fine not exceeding three thousand dollars.

(6) Any person playing or betting in any street, road, highway or any other open or public place at or with any table or instrument of gaming, at any game or pretended game of chance, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(7) In this section "gaming house" means any building or premises kept or used by any person without lawful authority for the purpose of directly or indirectly making gain by providing any facilities for betting or for the playing of any game of chance for money or money's worth.

(8) Nothing contained in the foregoing provisions of this section shall apply to any lottery, sweepstake, parimutuel or pool-betting, promoted, organised conducted or carried on in Antigua and Barbuda by any person in accordance with the terms and conditions of a valid licence issued to him for the purpose by the Cabinet.

(9) The Cabinet may either refuse to grant such a licence or grant such a licence subject to such terms and conditions as they may deem fit to impose, and any breach

of the terms or conditions of such a licence shall render the licence null and void. The grant or the refusal of such a licence shall not be questioned in any legal proceedings.

(10) The Cabinet may in writing delegate to any public officer or police officer any of the powers vested in them by virtue of the provisions of the preceding subsection with respect to lotteries to be conducted solely for charitable purposes or for such other deserving objects as may be specified by the Cabinet.

(11) The Cabinet may make Regulations prescribing the fees to be paid for the issue of licences under the provisions of this section, and until such Regulations are made, the Cabinet shall charge such fees as they may deem fit and proper.

**Harbouring  
thieves, etc.**

29. Any person who knowingly —

(a) lodges or harbours thieves or reputed thieves; or

(b) suffers thieves or reputed thieves to meet or assemble in any premises under his control; or

(c) allows the deposit of goods in any premises under his control, having reasonable cause for believing them to be stolen;

shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

**Incorrigible  
rogues.**

30. Any person, committing any offence against this Act, by reason whereof he shall be deemed to be a rogue and a vagabond within the meaning of this Act, such person having been, at some former time adjudged so to be and duly convicted thereof, shall be deemed an incorrigible rogue within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

**Indecency.**

31. (1) Any person behaving in a public place in an indecent manner, shall be liable to imprisonment for a term not exceeding one month.

(2) Any person who writes or draws any indecent word or figure or representation in any public place shall be liable to a fine not exceeding one hundred dollars.

**(3)** Any person wilfully—

(a) exposing in any public place any obscene print, picture, photograph or other indecent exhibition;

(b) exposing or causing to be exposed to public view in the window or other part of any shop or other building situated in a public place, any obscene print, picture, photograph or other indecent exhibition;

(c) exposing his person in any public place, or in view thereof;

shall be deemed a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(4) Any person who is concerned in the publishing or circulating or who suffers to be published or circulated in any newspaper or otherwise—

(a) any indecent matter;

(b) any advertisement regarding the cure of venereal complaints or secret diseases;

shall be liable to a fine not exceeding three thousand dollars.

**32.** Any person who commits any of the offences created by sections 4, 6, 7, 11, 14, 15, 16, 19, 20, 21 and 27 of the Larceny Act, or who attempts to commit, aids, abets, counsels or procures the commission of any such offence where the amount or value of the property in respect of which the offence is committed in the opinion of the Magistrate does not exceed five hundred dollars, shall be liable on summary conviction to imprisonment for a term not exceeding two years:

**Summary trial of indictable offences created by certain sections of the Larceny Act. Cap. 241.**

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

**33.** Any person who unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, the value of which in the opinion of the Magistrate does not exceed five hundred dollars, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months.

**Malicious damage.**

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

Provided also, that if in the opinion of the Magistrate the amount of the damage exceeds four hundred and eighty dollars, and the offender objects to be tried summarily, the Magistrate shall abstain from trying the case summarily and shall commit the offender for trial for an indictable offence.

**Nuisances.**

**34.** (1) Any person who in any public thoroughfare—

(a) causes any vehicle with or without horses to stand longer than is necessary for the purpose of loading or unloading after being warned to depart;

(b) by any means whatsoever causes an obstruction;

(c) flies any kite, hoists any flag, discharges any firearm or plays any game in or near to such public thoroughfare as aforesaid to the common danger or annoyance of passengers;

(d) lays or throws down any article or thing to the inconvenience of the passengers or neighbouring residents (except building materials to be used in the immediate neighbourhood or rubbish occasioned by such building which shall be so placed as not to cause any mischief to passengers or unless any such act as aforesaid is done in conformity with any regulation of a Town or Country Board or a Board of Health);

(e) empties or begins to empty any privy or remove any nightsoil between the hours of 5 a.m. and 10 p.m. or wilfully and carelessly spills any such offensive matter as aforesaid or throws down any nightsoil, dirt, litter, ashes, broken glass, carrion, fish offal or other rubbish, unless any such act as aforesaid is done in conformity with any regulation of a Town or Country Board or a Board of Health:

Provided that this paragraph shall not be deemed to apply to the removal of nightsoil from any prison, which may be removed not later than 6.30 a.m.;

(f) erects or maintains any blind, awning or other projection unless the same is at least eight feet above the level of such thoroughfare;

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(g) leaves or fixes or maintains any dangerous thing in upon or over such thoroughfare as aforesaid;

(h) suffers to be at large any vicious or dangerous animal or sets on any dog or other animal to worry or put in fear any person or animal;

(i) suffers to be at large and not under proper control any horse, mule, ass, cattle, swine, or other similar animal; or suffers any such animal whether or not under control to drag any tethering chain or rope behind it;

(j) cleans, dresses, bleeds or farries any horse or other animal except in case of accident or necessity;

(k) tethers any animal within such a distance as to allow the same to stray on to such public thoroughfare;

(l) comes within the limits of any place where any public work is being carried on as set out by the officer in charge of such works without the permission of such officer;

(m) makes use of the horn of any motor vehicle in an unreasonable manner;

(n) makes use of any motor vehicle without the engine thereof being fitted with an effective silencer or keep such engine running for an unreasonable period of time whilst such vehicle is standing still;

(o) washes any motor vehicle or makes a business of carrying out repairs to vehicles or habitually occupies himself with repairing, assembling or dismantling any vehicle or any part or parts of a vehicle;

(p) tethers any horse, ass, mule, swine or cattle on any highway, road or street so as to suffer or permit the tethered animal to be thereon;

shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding fourteen days.

(2) Any person who—

(a) discharges any filth or foul water or bathes in or washes clothes in or otherwise defiles any public well, spring, pond, watercourse or gutter, unless any

such act aforesaid is done in conformity with any regulation of a Town or Country Board of Health;

(b) commits a nuisance in any cane-piece within one hundred feet of any town, hamlet, or village or within ten feet of any public thoroughfare;

(c) commits a nuisance in any place to the annoyance of the public;

shall be liable to a fine not exceeding one hundred dollars.

Loudspeakers,  
gramophones, etc.

35. Any person who—

(a) in or in connection with any shop, business premises or other place which adjoin any street or public place and to which the public are admitted; or

(b) in any other premises,

by operating or causing or suffering to be operated any gramophones, loudspeaker, amplifier, musical instrument or electrical or mechanical device for producing or reproducing sound, or causes or suffers to be made any noise which shall be so loud and so continuous or repeated as to cause a nuisance to occupants or inmates of any premises in the neighbourhood shall be guilty of an offence and shall be liable to a fine not exceeding five hundred dollars:

Provided that no proceedings shall be taken against any person for any offence against this section in respect of premises referred to in paragraph (b) hereof unless the nuisance be continued after the expiration of fourteen days from the date of the service on such person of a notice alleging a nuisance signed by not less than three persons residing within the hearing of the instrument complained of in the said notice.

Offences for  
which no  
punishment  
provided.

36. Any person who—

(a) disobeys, or neglects or refuses to obey the provisions of any Act, for the breach of which no specific punishment is by such Act prescribed; or

(b) contravenes any statutory instrument for the time being in force for the infringement of which no specific punishment is prescribed;

shall be liable to a fine not exceeding two hundred and fifty dollars.

**37.** Any constable or other peace officer who shall neglect his duty in anything required of him by this Act, shall be liable to a fine not exceeding five hundred dollars. **Officers neglecting their duty.**

**38.** (1) Any person who shall disturb or hinder any constable or peace officer in the execution of his duty under this Act, or shall be aiding, abetting or assisting therein, shall be liable to a fine not exceeding five hundred dollars. **Police, hindrance, assault, obstruction of, etc.**

(2) Any person who shall assault or beat or wound, or resist or wilfully obstruct any member of the police force, or any local or special constable, while in the execution of his duty, shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months:

Provided that the Magistrate may abstain from trying the case summarily and commit the offender for trial for an indictable offence.

**39.** Any person who, without the consent of the owner or occupier— **Posting placards, and defacing buildings, etc.**

(a) posts any bill, placard or other paper against or upon; or

(b) shall write upon, soil, mark or deface;

any building, wall, fence, lamp-post or other object, shall be liable to a fine not exceeding one hundred dollars.

**40.** Any person— **Pretending to tell fortunes, etc.**

(a) pretending or professing to tell fortunes; or

(b) using any subtle craft, means or device, by palmistry or otherwise;

to deceive and impose on any of Her Majesty's subjects, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

**Prostitution.**

**41.** (1) Any person who, being the tenant, lessee, occupier or person in charge of any premises knowingly permits such premises or any part thereof to be used for the purposes of habitual prostitution shall be liable to imprisonment for a term not exceeding six months.

(2) Every female who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person, or generally, shall be liable to imprisonment for a term not exceeding six months.

(3) Any person loitering or being in any public place for the purpose of prostitution or solicitation to the annoyance of the public shall be liable to imprisonment for a term not exceeding two months.

(4) Every male person who in any public place persistently solicits or importunes for immoral purposes shall be liable to imprisonment for a term not exceeding six months.

(5) Any common prostitute wandering in the public streets or public highways, or in any place of public resort and behaving in a riotous or indecent manner, shall be liable to imprisonment for a term not exceeding six months.

**Refusal to assist police officer, etc.**

**42.** Any person who in any public place refuses to assist any member of the police force or other peace officer in securing or capturing any person whom such member of the police force or other peace officer is endeavouring to secure or capture when lawfully called upon so to do, by such member of the police force or peace officer, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding fourteen days.

**Refusing to give name, etc.**

**43.** Any person who, when lawfully required by a Justice of the Peace or any police officer to give his name or address—

- (a) refuses to give his name, or address, or
- (b) gives a false name or address,

shall be liable to a fine not exceeding one hundred dollars.

44. Any person who—

**Riotous conduct.**

(a) in any public place is guilty of any riotous behaviour; or

(b) in any police station house is guilty of any violent behaviour;

shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding one month.

45. Any person committing any offence, on conviction for which he shall be deemed an idle and disorderly person within the meaning of this Act, after having been convicted as an idle and disorderly person shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

**Rogues and vagabonds.**

46. (1) Any person who receives any property knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to an offence under sections 4, 6, 7, 11, 14, 15, 16, 19, 20, 21 and 27 of the Larceny Act, shall be liable on summary conviction to imprisonment for a term not exceeding two years.

**Receiving and being in possession of property stolen or unlawfully obtained. Cap. 241.**

(2) Where any person is charged with an offence under subsection (1) of this section the Magistrate may in his discretion abstain from trying the offence summarily and may commit the offender for trial for an indictable offence.

(3) Any person having in his possession, or conveying in any manner anything which may reasonably be suspected of having been stolen or unlawfully obtained, and who shall not give an account satisfactory to the Magistrate of how he came by the same, shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

47. Any person who takes or drives, or attempts to take or drive any horse, mule or ass from or out of any enclosure, stable, pasture or other place for the purpose of

**Taking horses, etc.**

using the same without the consent of the owner or person entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, shall be liable to a fine not exceeding one hundred and fifty dollars and the payment of such fine, or the suffering of any imprisonment in default of such payment, shall not affect the right of action of the party aggrieved.

Threats.

48. Any person who threatens or intimidates—

(a) any other person by reason of his being a witness, or likely to be a witness in any proceeding; or

(b) any other person in such a manner as would justify a Magistrate on complaint made to him to bind over such first mentioned person to keep the peace;

shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

Throwing missile  
in thoroughfare.

49. Any person who, being in the vicinity of or in any public place unlawfully throws or discharges any missile to the damage or danger of any person or property, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months.

Trading on  
Sundays, &c.

50. (1) Any person who sells, or cause or procures to be sold, or exposes for Sale or causes or procures to be exposed for sale, any goods or articles whatsoever on any Sunday, Christmas Day or Good Friday, shall in respect of each act of sale or exposure for sale, be liable to a fine not exceeding two hundred and fifty dollars.

(2) There shall be excepted from the operation of this section—

- (i) The sale of any drugs or medicines;
- (ii) the sale of ice;
- (iii) the sale of groceries not later than nine o'clock in the morning in shops the closing of which is not controlled by a Shop Hours Order;
- (iv) The sale of fresh fish, butcher's meat or fresh fruit, not later than noon;

- (v) The sale of bread or milk;
- (vi) The sale of cooked food in hotels, inns or victualling houses;
- (vii) The sale of petrol; and
- (viii) The sale of any article required for the burial of a dead body, or in the case of illness of **arty** person or animal, where the seller thereof has reasonable grounds for believing the article to be required for either of these purposes; the reasonableness whereof is to be determined by the Magistrate before whom the complaint is heard.

**51.** Any person who—

**Trespass on lands etc.**

(a) unlawfully enters in an insulting, annoying, or threatening manner upon any lands or premises belonging to or in possession of any other person;

(b) unlawfully enters upon any such lands or premises after having been forbidden so to do;

(c) unlawfully enters and remains on any such lands or premises having been required to depart therefrom;

(d) having lawfully entered upon any such lands or premises, misconducts himself by behaving thereon in an insulting annoying or threatening manner; or

(e) having lawfully entered on any such lands or premises persistently remains thereon after having been lawfully required to depart therefrom;

shall be liable to a fine not exceeding seven hundred and fifty dollars or to imprisonment for a term not exceeding three months.

**52.** (1) Any person being able wholly or in part to maintain himself by work or by other means and wilfully refusing or neglecting so to do, shall be deemed an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding one month. **Vagrancy.**

(2) Any person—

(a) wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air or under a tent, or in any vehicle, or in any vessel, boat, lighter or drogher, and not having any visible means of subsistence, and not giving a good account of himself; or

(b) being found in or upon any dwelling house, office, warehouse, coach house, stable or outhouse, or in any enclosed yard, garden or area, or in any vessel, boat, lighter or drogher, for any unlawful purpose;

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

Vagrancy with  
burglars' tools or  
with arms, etc.

53. Any person—

(a) having in his custody or possession any pick-lock, key, crow, jack, bit or other implement, with intent feloniously to break into any dwelling house, office, warehouse, coach house, stable, outbuilding or other building; or

(b) being armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, or any other explosive matter or thing with intent to commit any felonious act; or

(c) having upon him any instrument with intent to commit any felonious act;

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months, and every such pick-lock, key, crow, jack, bit or other implement and every such gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, and every such instrument, as aforesaid, shall, by the conviction of the offender, become forfeited to Her Majesty.

Vagrants  
assaulting or  
resisting the  
police.

54. (1) Any person apprehended as an idle and disorderly person and violently resisting or assaulting any peace officer or constable so apprehending him, and being

subsequently convicted of the offence for which he shall have been so apprehended, shall be deemed a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(2) Any person apprehended as a rogue and a vagabond and violently resisting any constable or other peace officer so apprehending him, and being subsequently convicted of the offence for which he shall have been so apprehended, shall be deemed an incorrigible rogue within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

**55.** Any person who uses violence to any person or property shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months. **Violence.**

**56.** Any person wounding any other person shall, if in the opinion of the Magistrate, such wounding is not of a serious nature, be liable to imprisonment for a term not exceeding two years. **Wounding.**

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

**57.** (1) Any person who with intent to defeat, obstruct or pervert the course of justice or the due execution of the law, or to evade the requirements of the law, or to defraud or injure any person, endeavours to deceive any public officer, acting in execution of any public office or duty, by personation, or by any false instrument, document, seal or signature, or by any false statement whether verbal or in writing, shall be liable to a fine not exceeding fifteen hundred dollars or imprisonment for a term not exceeding six months. **Deceit of public officer and false information to person employed in the Public Service.**

(2) Any person who gives to any person employed in the public service any information which he knows or believes to be false intending thereby to cause or knowing it to be likely that he will thereby cause such person employed in the public service—

(a) to do or omit anything which such person employed in the public service ought not to do or omit if the true state of facts respecting which such information is given were known to him; or

(b) to use the lawful power of such person employed in the public service to the injury or annoyance of any person,

shall be guilty of an offence and shall be liable to a fine not exceeding fifteen hundred dollars or imprisonment for a term not exceeding six months.

### PART III

#### Procedure

Offences punishable on summary conviction.

Cap. 255.

**58.** Any person accused of having committed any of the offences in this Act set forth may, notwithstanding any other law to the contrary, be prosecuted before a Magistrate in the manner prescribed in the Magistrate's Code of Procedure Act, and shall upon conviction be liable to the punishments respectively prescribed in this Act, for such offences.

Form of conviction as idle and disorderly person, etc.  
Schedule.

**59.** Every conviction of any offender as an idle and disorderly person, or as a rogue and a vagabond, or as an incorrigible rogue under this Act, shall be in the form set out in the Schedule or as near thereto as circumstances will permit.

Powers of Magistrate as to property of idle and disorderly person, etc.

**60.** (1) It shall be lawful for every Magistrate by whom any person shall be adjudged to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue, to order—

(a) that such offender shall be searched; and

(b) that the trunks, boxes, bundles, parcels or packages of such offender shall be inspected in the presence of the Magistrate and of such offender; and

(c) that any part, car, caravan or vehicle which may have been found in the possession or use of such offender, shall be searched in the presence of such offender.

(2) It shall be lawful for every Magistrate by whom any person shall be adjudged to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue, to order that any money which may be found on or with such an offender, shall be paid and applied for and toward the expense of apprehending, conveying to prison, and maintaining such offender during the time for which he shall have been committed; and if upon search, money sufficient for the purposes aforesaid be not found, it shall be lawful for such Magistrate to order that a part, or if necessary the whole of such other effects then found, shall be sold, and that the produce of such sale shall be paid and applied as aforesaid; and also that the overplus of such money or effects after deducting the charges of such sale shall be returned to such offender.

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SCHEDULE

S. 59.

## FORM OF CONVICTION OF IDLE AND DISORDERLY PERSON, ETC.

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, in district \_\_\_\_\_ in Antigua and Barbuda, A.B. is convicted before me the undersigned Magistrate for district \_\_\_\_\_ of being an idle and disorderly person (*ora* rogue and vagabond, *or* an incorrigible rogue) within the intent and meaning of the Small Charges Act; that is to say, for that the said A.B. on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said district (*here state offence proved before Magistrate*) and for which said offence the said A.B. is ordered to be committed to the prison at \_\_\_\_\_, there to be kept (to hard labour) for the space of \_\_\_\_\_

Given under my hand and seal, the day, year, and at the place, first above written.

*Magistrate.*