

**TRESPASS ACT**

**CHAPTER 11:07**

**Act**

**16 of 1852**

Amended by

21 of 1910

20 of 1936

5 of 2019

**Current Authorised Pages**

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**Note on Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

UNOFFICIAL

**CHAPTER 11:07**

**TRESPASS ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

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CHAPTER 11:07

TRESPASS ACT

1950 Ed.  
Ch. 4 No. 18.  
16 of 1852.  
[5 of 2019].

**An Act for the prevention of wilful trespass on lands and other premises.**

Commencement.

[10TH NOVEMBER 1852]

Short title.

**1.** This Act may be cited as the Trespass Act.

Interpretation.  
[5 of 2019].

**2.** In this Act—

“dwelling house” means any structure or part of a structure whether permanent or temporary and whether fixed or capable of being moved which is designed or adapted for use as a dwelling or residence;

“enclosed yard” means land that—

- (a) is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary;
- (b) is enclosed in a manner that indicates the occupier’s intention to keep persons off the occupier’s premises or to keep animals on the occupier’s premises;

“occupier” includes a person who—

- (a) is lawfully in physical possession of premises; or
- (b) has responsibility for and control of premises or the activities there carried on, or control over persons allowed to enter the premises;

“owner” includes the tenant, occupier, or other person having the lawful possession of any premises;

“premises” includes—

- (a) any lands;
- (b) any building or structure or part thereof whether permanent or temporary and whether fixed or capable of being moved;
- (c) a dwelling house;

- (d) any garden, ground, cultivated lands, plantation, oilfield, refinery or oil tank farm;
- (e) any ship, boat or other vessel; or
- (f) vehicles and aircraft, except while in operation.

**3.** Any person found in any enclosed yard, garden, or ground, or in any cultivated lands, or in or about the works of any plantation, oilfield, refinery or oil tank farm, who, on being taken before a Magistrate or Justice, fails to make it appear to the satisfaction of such Magistrate or Justice that he had some reasonable cause or excuse for being in the place where he was found, is liable to a fine of fifty thousand dollars and to imprisonment for ten years.

Persons found in or about enclosed yard or cultivated lands, etc., at night.  
[5 of 2019].

**4.** Any person found at any time in any lands on which, or near to which, there is stuck up in some conspicuous place a notice in legible letters forbidding all persons to trespass, not having some reasonable cause or excuse for being in the place where he is found, or, in the absence of such notice, any person found in any lands, who refuses to quit the same upon request by the owner of the lands, or his worker, is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years. However, every labourer or other worker having or occupying any house or cottage, or any room in any house or cottage, on any lands, and the members of his family actually residing there with him, shall not be liable to any punishment under this Act by reason of his or their passing along or upon any road, path, or way leading from any public high road to such house or cottage.

Trespass on lands where notice is placed, or refusing to quit.  
[5 of 2019].

**5.** Any person who fastens any vessel, boat, or craft to any private wharf or landing place, or lands, places or puts any matter or thing whatsoever upon any such wharf or landing place, on which, or near to which, there is stuck up a notice in legible letters forbidding all persons to trespass, is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for ten years.

Fastening vessel, etc., to private wharf or landing place, where notice is placed.  
[5 of 2019].

Forcible entry.  
[5 of 2019].

**5A.** A person who uses force, threats or intimidation to enter premises which is in the lawful possession of another person in order to expel that person and take possession of the premises and does so otherwise than in pursuance of an order of a Court or other lawful authority commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years.

Forcible  
detainer.  
[5 of 2019].

**5B.** Any person who, being unlawfully in or upon any premises, maintains or attempts to maintain his possession or occupation thereof and does so by force or in a manner that would render the use of force as the only reasonable or practicable means of recovering lawful possession of the premises, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years.

Offenders may  
be apprehended.  
[5 of 2019].

**6.** Any constable, or the owner of the lands upon which such offence is committed, or his worker, or any person authorised by the owner, may seize and apprehend such offender upon such lands, or, in case of pursuit being made, in any other place to which he may have escaped therefrom, and to deliver him as soon as may be into the custody of a constable to be dealt with according to law.

Timber, etc.,  
may be  
detained.  
[5 of 2019].

**7.** The owner of any lands, or his worker or any person authorised by him, may seize and detain any timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee or other produce which is found upon the land of the owner, and which there is reasonable cause to suspect has been felled, cut, burned or prepared upon such lands, and also may seize and detain any boat, cart, carriage, horse, ox, mule or other animal employed in or for the purpose of carrying or removing the same, and cause the same to be taken to the nearest Police Station; and such timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee or other produce shall be deemed the property of the owner of the lands, and may be disposed of as he thinks fit; and such boat, cart,

Timber, etc., to  
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carriage, horse, ox, mule or other animal shall be forfeited to the State, and may be sold by the order of any Magistrate or Justice and the proceeds of sale shall be paid to the Comptroller of Accounts unless within three days from the day of the seizure the owner claims the same, and within the said term of three days, or such further term as the Magistrate or Justice may allow, proves to the satisfaction of the Magistrate or Justice that such timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee or other produce so seized was not felled, cut, burned or prepared on the lands on which it was seized.

**8.** Every constable shall assist in the apprehension of any person found committing any offence against this Act whenever required to do so by the owner, or any worker of the owner, of the lands upon or in respect of which the offence is committed.

Constables to assist in apprehension of offenders.  
[5 of 2019].

**9.** Nothing contained in this Act shall authorise any Magistrate or Justice to determine any case of trespass in which any question arises as to the right or title to any lands or any interest therein or accruing therefrom.

Cases wherein question of title to land arises.

**9A.** (1) The Minister may, subject to negative resolution of Parliament, make Regulations as may be necessary or expedient for the purpose of carrying out or giving effect to this Act.

Regulations.  
[5 of 2019].

(2) Regulations made under this section may provide that the contravention of any Regulation constitutes an offence and may prescribe penalties for any offence not exceeding a fine of twenty-five thousand dollars and imprisonment for five years.