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**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 56 of 2000

[L.S.]

AN ACT to amend the Praedial Larceny Prevention Act,
Chap. 10:03

[Assented to 13th October, 2000]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Praedial Larceny Short title
Prevention (Amendment) Act, 2000.

Interpretation
Chap. 10:03

2. In this Act, “the Act” means the Praedial Larceny Prevention Act.

Section 2 amended

3. Section 2 of the Act is amended—

(a) by repealing the definition of “agricultural produce, livestock and poultry” and substituting the following definitions:

Chap. 11:02

“agricultural produce” has the meaning assigned to it by section 23(3) of the Summary Offences Act;

“livestock” includes any farm animal mentioned in section 2 of the Summary Offences Act, any poultry or the carcass, head, skin or any other part or product thereof;

“poultry” has the meaning assigned to it by section 2 of the Summary Offences Act;

“company number” means the number issued to a company under the Companies Act, 1995;

Act No. 35 of 1995

“certification of registration” means a certification of registration issued under section 3;

“Farmer’s Registration Card” means the Card issued by the Minister to farmers;

“Minister” means the Minister to whom responsibility for agriculture is assigned;

“Praedial Larceny Squad” means the Squad established under section 2A;

“registration number” has the meaning assigned to it under section 3;

“VAT registration number” means the identification number borne by the certification of registration issued under section 27 of the Value Added Tax Act, 1989.”.

Act No. 37 of 1989

4. The Act is amended by inserting after section 2 the following new section: Section 2A
inserted

“Establishment
of Praedial
Larceny
Squad

2A. (1) There is hereby established a Squad which shall be known and designated ‘the Praedial Larceny Squad’.

(2) The Squad shall consist of such number and ranks of officers as may be assigned by the Commissioner to carry out the provisions of this Act.

(3) A member of the Squad shall have all of the powers and be entitled to all of the immunities conferred by this Act upon any constable.

(4) In this section, ‘officers’ include any member of the Police Service established by section 3 of the Police Service Act and any member of the supplemental bodies of Police established by the Supplemental Police Act and Special Reserve Police Act.”.

Chap. 15:01

Chap. 15:02

Chap. 15:03

Section 3 amended

5. Section 3 of the Act is amended—

(a) by repealing section 3 and substituting the following sections:

“Registration
as a seller of
agricultural
produce or
livestock

3. (1) This section does not apply to persons who have been registered as farmers and issued with a valid Farmer’s Registration Card.

(2) Every person who sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock of the weight of twenty-five kilograms or more shall be registered in the manner provided in this section.

(3) Every person required by this section to be registered shall apply to the Minister in the prescribed form.

(4) Every application for registration shall be accompanied by such fee as the Minister may prescribe.

(5) Where a person applies under this section to be registered the Minister may cause such person to be registered and shall issue a certification of registration in the prescribed form.

(6) Every certification of registration issued under this section shall—

(a) be for such period as may be prescribed;

(b) bear a registration number; and

(c) bear the date of issue and the date on which the registration shall expire.

(7) Every person registered under subsection (5) shall cause his certification of registration or a copy of it to be conspicuously displayed on his person or at the place from which he sells, trades in, deals in, supplies or otherwise disposes of the agricultural produce or livestock or in each such place, where there is more than one.

(8) A person who is required under this section to be registered—

(a) sells, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock of the weight of twenty-five kilograms or more without a valid certification of registration issued in accordance with subsection (5); or

(b) fails to comply with subsection (7),

commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for one year.

(9) Notwithstanding subsection (2), any other person may

apply to be registered under this section and where such an application is made it shall be governed by this section.

Memorandum
of sale or
delivery for
agricultural
produce or
livestock

3A. (1) In this section—

“memorandum of sale or delivery” means any document, invoice, receipt or bill which contains the particulars set out in subsection (2);

“producer” means any person who rears, cultivates, grows or stores any agricultural produce or livestock and subsequently sells, agrees to sell, trades in, deals in, supplies or otherwise disposes of such agricultural produce or livestock;

“purchaser” means any person who purchases, agrees to purchase or otherwise obtains possession or custody of any agricultural produce or livestock of the weight of twenty-five kilograms or more;

“retailer” means any person who sells, agrees to sell, trades in, deals in, supplies or otherwise disposes of agricultural produce or livestock, but does not include a producer;

“wholesaler” means any person who purchases, agrees to purchase or otherwise obtains possession or custody of agricultural produce or livestock disposes of such agricultural produce or livestock;

(2) Every producer, wholesaler or retailer shall, at the time of the sale or delivery of agricultural produce or livestock of the weight of twenty-five kilograms or more, give a memorandum of sale or delivery to the purchaser or other person obtaining possession or custody of the agricultural produce or livestock setting out—

- (a) the registration number, VAT registration number or company number of such producer, wholesaler or retailer;
- (b) the date of the sale or delivery;
- (c) if the retailer is not a supermarket or grocery, the type and quantity of the agricultural produce or livestock sold or delivered; and
- (d) if the agricultural produce or livestock is purchased, the price paid therefor.

(3) A person who gives a memorandum of sale or delivery in accordance with subsection (2) shall retain a duplicate of such memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a constable or an authorised person.

(4) Every wholesaler or retailer who receives a memorandum of sale or delivery in accordance with subsection (2) shall retain a duplicate of such memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a constable or an authorised person.

(5) A person who fails to comply with the provisions of subsection (2), (3) or (4) is liable on summary conviction to a fine of not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.

Power to stop and search any person carrying agricultural produce or livestock, etc.

3B. (1) Any constable or authorised person may, without warrant, stop and search any person whom he has reasonable cause to suspect is carrying agricultural produce or livestock which has been unlawfully obtained or is in control of any heap, stall or other collection of agricultural produce or livestock which has been unlawfully obtained.

(2) Where in the course of a search carried out under this section, agricultural produce or livestock is discovered, the constable or authorised person may require the person—

- (a) to produce a memorandum of sale or delivery or a duplicate of such memorandum of sale or delivery referred to in section 3A; or
- (b) to give an account of how he came into possession of such agricultural produce or livestock.

(3) Sections 7(3), 8 and 9 apply to this section with such modifications as may be necessary.”.

Section 4 amended

6. Section 4(2) of the Act is amended by deleting the words “five hundred dollars.” and substituting the words “ten thousand dollars and to imprisonment for four years.”.

7. Section 7 of the Act is repealed and the following ^{Section 7} section is substituted: _{repealed}

"Power to
require
production of
memorandum
of sale or
delivery or
other proof of
ownership

7. (1) Where in the course of a search carried out under section 6 agricultural produce or livestock is discovered the constable or authorised person may require the person in charge of the vehicle or other means of conveyance to produce a memorandum of sale or delivery or to produce a duplicate of such memorandum of sale or delivery referred to in section 3A, Farmer's Registration Card, deed, lease or other proof of ownership of the agricultural produce or livestock in his possession.

(2) A person who on being required to produce a memorandum of sale or delivery or a duplicate thereof, a Farmer's Registration Card, deed, lease or other proof of ownership under subsection (1) fails to produce such memorandum of sale or delivery or duplicate thereof or such Farmer's Registration Card, deed, lease or other proof of ownership shall be required to give an account to the satisfaction of the constable or authorised person by what lawful means he came into possession of such agricultural produce or livestock.

(3) If the person referred to in subsection (1) alleges that he was employed as a driver, carrier, agent or servant to convey the agricultural produce or livestock he shall be required to give an account to the satisfaction of the constable or authorised person of the person by whom he was employed and of the circumstances of his employment.

Section 8
repealed

8. Section 8 of the Act is repealed and the following section is substituted:

“Power to
arrest and
seize

8. If upon being required to produce a memorandum of sale or delivery or a duplicate thereof, Farmer’s Registration Card, deed, lease or other proof of ownership, or to give an account under section 7, the person in charge of the vehicle or other means of conveyance does not produce the memorandum of sale or delivery or duplicate thereof, Farmer’s Registration Card, deed, lease or other proof of ownership, or does not give an account, or, if he produces a memorandum of sale or delivery or duplicate thereof, Farmer’s Registration Card, deed, lease or other proof of ownership or gives an account that in the opinion of the constable or authorised person is not genuine, the constable or authorised person may regard that person as a suspected person and may—

- (a) arrest that person and any other person whom he has reasonable cause to suspect;
- (b) seize any agricultural produce or livestock that the suspected person was found conveying; and
- (c) seize any vehicle or other means of conveyance or any parcel or package whereby the suspected person was conveying the said agricultural produce or livestock.”.

Section 9 amended

9. Section 9(2) of the Act is amended by deleting the words “three thousand dollars or to imprisonment for twelve months.” and substituting the words “not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.”.

10. Section 12 of the Act is amended by deleting the words “three thousand dollars or to imprisonment for twelve months” and substituting the words “not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.”. Section 12 amended

11. Section 13 of the Act is amended— Section 13 amended

(a) by inserting before the word “carrier”, wherever it occurs, the word “driver,”;

(b) in subsection (2) by deleting the words “three thousand dollars or to imprisonment for twelve months.” and substituting the words “not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.”; and

(c) by inserting after section 13 the following new sections:

“Orders
before
conviction

13A. In addition to any other order which he may be authorised to make, under this Act, a magistrate may, at any time before or during the hearing of a matter under this Act, make any one or more of the following orders:

(a) that any agricultural produce or livestock which is alleged to have been unlawfully obtained be delivered to the person who claims to be entitled thereto subject to the provision by such person of such security by way of bond as the magistrate may order;

(b) that any agricultural produce or livestock which is alleged to have been unlawfully obtained be sold and that any proceeds which may be realised by the sale of such produce or livestock be paid into the Consolidated Fund.

Taking of
photographs
of
agricultural
produce, etc.

13B. (1) A photographer who shall be a member of the Praedial Larceny Squad shall, within seventy-two hours of the seizure of any agricultural produce or livestock alleged to have been unlawfully obtained, take such photographs as may be necessary of any such agricultural produce or livestock and complete Form 1 of the Second Schedule.

(2) The photographs shall be taken in the presence of the person who claims to be entitled thereto and, wherever practicable, in the presence of the suspected person and both persons may sign Form 2 of the Second Schedule.

Second
Schedule

(3) Where a person referred to in subsection (2) refuses to sign the Form 2 the police photographer shall make a note of the refusal on the Form 2 and shall date and initial the note.”.

12. Section 15 of the Act is amended by inserting Section 15A inserted after section 15 the following new sections:

“Supervision order 15A. (1) Where any person is convicted of an offence under this Act, the magistrate before whom he is convicted may, in addition to any other order which he may make under this Act, order that such person be placed under police supervision for a period not exceeding one year, to be specified in the order.

(2) A person who is placed under police supervision under this section shall—

(a) notify the officer of the following information:

(i) his name and, where he uses one or more names, each of those names; and

(ii) his home address;

(b) at least fourteen days before any change of residence or home address, for any period whatsoever, inform the officer of the new residence or home address;

(c) be and remain within his stated residence or home address from sunset until sunrise of the period or such portion thereof, as the magistrate may specify in the order, unless permitted by the officer in writing to absent himself therefrom;

(d) obey any lawful instructions given to him by the officer, for the purpose of ensuring compliance on

the part of such person with the requirements of the order, during the period specified therein;

(e) receive such visits as may be made from time to time at his stated residence or home address by any police constable, during the period specified in the order, for the purpose of ascertaining his whereabouts; and

(f) present himself in the order at such police station and at such times as the officer may specify, but not less than once per month.

(3) In subjecting a person to a supervision order under this section, a magistrate may make such community service order as he may be authorised to make under the Community Service Orders Act, 1997.

Act No. 19 of 1997

(4) Where any person without reasonable excuse fails or neglects to comply with any requirement of an order made in respect of him under this section, the officer shall apply to the magistrate who made the order for a warrant for the arrest of that person and shall bring that person before the magistrate who shall deal with the person in accordance with subsection (5).

(5) Where a person is brought before a magistrate under subsection (4) the magistrate may:

(a) if it is proved to his satisfaction that the person has failed without reasonable excuse to comply with

any requirement of the order, revoke the order and deal with the person for the offence in respect of which the order was made in any manner in which the magistrate could deal with him if he had just been convicted by that magistrate of that offence.

(b) without prejudice to the continuance of the order—

(i) impose on the person a fine not exceeding five thousand dollars; or

(ii) revoke the order and enforce the term of imprisonment commuted under subsection (1).

(6) In this section, “officer” means the police officer in charge of the police station nearest to the home of the person in respect of whom an order has been made under subsection (1).”.

13. Section 26 of the Act is amended by deleting the words “three thousand dollars or to imprisonment for six months,” and substituting the words “ten thousand dollars and to imprisonment for two years.”. Section 26 amended

14. Section 27 of the Act is amended by deleting the words “or to imprisonment for three months.” and substituting the words “and to imprisonment for one year.”. Section 27 amended

15. (1) The Act is amended by inserting after section 27 the following new section— Section 27A inserted

“Forging or
counterfeiting
certification
of
registration **27A.** Any person who forges or
counterfeits or causes to be forged or
counterfeited any document purporting to

be a certification of registration under this Act is liable to a fine of five thousand dollars and to imprisonment for one year.”.

Section 28 amended **16.** Section 28 of the Act is amended by deleting, in line 5, the word “or” and substituting the word “and”.

Section 29 amended **17.** Section 29 of the Act is amended by deleting the words “three thousand dollars or to imprisonment for six months.” and substituting the words “not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.”.

Section 30 amended **18.** Section 30 of the Act is amended by deleting the words “six months” and substituting the words “one year”.

Sections 31, 32 and 33 inserted **19.** The Act is amended by inserting immediately after section 30 the following new sections:

“Special powers of magistrate in relation to minimum penalties
Chap. 3:01

31. (1) Subject to subsection (2), this Act shall have effect notwithstanding section 68(2) of the Interpretation Act.

Chap. 46:01

(2) A magistrate is not bound to award any minimum penalty provided for in any of the sections of this Act in any case in which, for special reasons which shall be recorded by the magistrate on the face of the proceedings, he considers some lesser penalty appropriate, or in which the person convicted is a child or a young person as defined in the Children Act, but in any such case he may deal with the offence in any manner in which he might have dealt with the same as if the section had not provided for a minimum penalty.

32. The Minister may by Order amend the Second Schedule.

33. The Minister may make regulations prescribing any matter that is required or permitted by this Act to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to the purposes of this Act.”.

20. The Act is amended by—

Schedule amended

- (a) renumbering the Schedule as the First Schedule; and
- (b) inserting immediately after the First Schedule the following new Schedule:

“SECOND SCHEDULE

THE PRAEDIAL LARCENY PREVENTION ACT

[Section 13B(1)]

Return of Photographer

FORM 1

I
(name, rank and number of photographer)

of.....photographer
(address)

did on takephotograph(s) of
(date) (number)

.....
(quantity, if known and type of agricultural produce or livestock and any distinguishing marks)

and the said photograph(s) was/were shown as numbers

..... on the photographic camera
(number of exposures)

model/serial number
(model and serial number of camera)

which I used to take said photographs.

Date

Signature

THE PRAEDIAL LARCENY PREVENTION ACT

[Section 13B(2)]

Return of Witness to taking of Photographs

FORM 2

I.....
(name of person)

of
(address of person)

was jointly *present with*

on at
(date) (place)

and witness the taking of photographs of
(number)

.....
(quantity, if known, and type of agricultural produce or livestock)

by
(name, rank and number of photograph)

Date

Signature/Mark

Identification Card/Driver's Permit No.

Witness to signature or mark
(photographer)

Delete, if either the person who claims to be entitled or the suspected person is not present.

Passed in the House of Representatives this 5th day
of May, 2000.

D. DOLLY
Acting Clerk of the House

Passed in the Senate this 3rd day of October, 2000.

N. COX
Clerk of the Senate

Senate amendments agreed to by the House of
Representatives on 4th October, 2000.

D. DOLLY
Acting Clerk of the House