

LAWS OF TRINIDAD AND TOBAGO

PRAEDIAL LARCENY PREVENTION ACT

CHAPTER 10:03

Act
12 of 1963
Amended by
19 of 1970
36 of 1976
45 of 1979

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-14	1/1980

**Note
on
Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note
on
Adaptation**

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

**Note
on
Revision Date**

As this Act was amended by the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 (Act 45 of 1979), this Chapter has been revised up to 31st December 1979, instead of the normal revision date (31st December 1977).

CHAPTER 10:03

PRAEDIAL LARCENY PREVENTION ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

CHAPTER 10:03

PRAEDIAL LARCENY PREVENTION ACT

12 of 1963. **An Act to make better provision for the prevention of praedial larceny.**

Commencement.
138/1963.

[27TH DECEMBER 1963]

Short Title.

1. This Act may be cited as the Praedial Larceny Prevention Act.

Interpretation.
[19 of 1970].

2. (1) In this Act—

Ch. 11:02.

(a) “agricultural produce” means the crops mentioned in section 22(3) of the Summary Offences Act and includes any other fruit, vegetable or product directed by the Minister to be included within the definition of growing crops given in the said section 22(3);

(b) “authorised person” means any person appointed under section 16;

Ch. 15:01.

(c) “Commissioner” means the Commissioner of Police appointed under the Police Service Act;

Ch. 15:02.

(d) “constable” includes any member of the Police Service and any member of the supplemental bodies of Police established by the Supplemental Police Act and the Special Reserve Police Act;

Ch. 15:03.

(e) “livestock” means any animal that is commonly reared for the purpose of the production of food for human consumption, including any bull, cow, ox, heifer or calf or any ram, ewe, sheep, lamb, goat or swine or any poultry or the carcass, head, skin, feathers or any part thereof;

(f) “poultry” includes any fowl, chicken, turkey, duck, goose or other bird commonly reared for the purpose of human consumption;

(g) “suspected person” means any person who has or has had in his possession or under his control in any place any agricultural produce or livestock in the circumstances described in section 8 or in such other circumstances as reasonably cause any constable or authorised person to suspect that the agricultural produce or livestock has been unlawfully obtained;

(h) "vehicle" means any cart, carriage, dray, motor car, tractor, lorry or wheeled vehicle of any kind and, where the vehicle is drawn by an animal, includes such animal.

(2) Where in this Act agricultural produce or livestock is expressed to have been unlawfully obtained that expression means—

(a) that the agricultural produce was obtained by the commission of an offence under section 23 of the Summary Offences Act or received with knowledge that the agricultural produce had been so obtained; or

Ch. 11:02.

(b) that the agricultural produce or livestock was, otherwise than in the course of the commission of an offence under section 23 of the Summary Offences Act, stolen or unlawfully obtained.

3. (1) A person who purchases or in any other manner obtains possession or custody of agricultural produce or livestock in any place other than at a public market shall be furnished by the person from whom he purchases or in any other manner obtains possession or custody of agricultural produce or livestock, a memorandum of sale, or delivery, which shall be signed by the person from whom he purchases or in any other manner obtains possession or custody of the agricultural produce or livestock and shall set out the date of the sale or delivery, the quantity of the agricultural produce or livestock and, if the agricultural produce or livestock is purchased, the price paid therefor.

Memorandum of sale or delivery for agricultural produce or livestock. [19 of 1970 36 of 1976]

(2) A person who in any place other than a public market sells or otherwise disposes of agricultural produce or livestock of the value of one hundred dollars or more shall at the time of delivery of the agricultural produce or livestock give a signed memorandum of sale or delivery to the purchaser or other person obtaining possession or custody of the agricultural produce or livestock setting out the particulars required to be specified therein by subsection (1).

(3) A person who fails to comply with the provisions of subsection (2) is liable on summary conviction to a fine of three thousand dollars.

(4) In this section, "public market" means—

(a) a public market as defined in section 217 of the Port-of-Spain Corporation Ordinance;

Ch. 39, No. 1. (1950 Ed.).

- (b) a market within the meaning of the expression "markets" as defined in sections 208 and 197 of the San Fernando Corporation Ordinance and the Arima Corporation Ordinance respectively;
- (c) any premises declared to be a public market under section 2 of the Country Markets Act;
- (d) any other place that the Minister may by proclamation declare to be a public market for the purposes of this Act.

Ch. 39. No. 7.
(1950 Ed.).
Ch. 39. No. 11.
(1950 Ed.).

Ch. 68:02

(5) The Minister may, from time to time by order, declare that subsection (1) shall not apply to such persons and in respect of such transactions as are specified in the order.

Conveying
produce of
several persons.
[19 of 1970
36 of 1976].

4. (1) The person in charge of a vehicle or other means of conveyance that is used for the purpose of conveying the agricultural produce or livestock of more than one person shall cause the agricultural produce or livestock to be placed in such a manner as to preserve the identity of ownership of the several items of agricultural produce or livestock belonging to those persons.

(2) If any person in charge of a vehicle or other means of conveyance fails to comply with the provisions of subsection (1) he is liable to a fine of five hundred dollars.

(3) The provisions of subsection (2) are without prejudice to the power of a constable or authorised person to act with respect to any such person in accordance with section 8.

Power to arrest
without
warrant.

5. Any constable or authorised person may arrest a suspected person without a warrant.

Power to stop
and examine.
[19 of 1970].

6. For the purpose of ascertaining whether any agricultural produce or livestock is being conveyed on any vehicle or other means of conveyance a constable or authorised person may stop any vehicle or other means of conveyance and upon informing the person in charge of his purpose may examine any such vehicle or other means of conveyance or any parcel or package of any kind in the possession of any such person.

Power to
require
production of
memorandum
of sale or
delivery.
[19 of 1970
36 of 1976].

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 that vehicle or other means of conveyance to produce a memorandum of sale or delivery referred to in section 3, or to give other proof of ownership.

(2) A person who on being required to produce a memorandum of sale or delivery under subsection (1) in respect of agricultural produce or livestock of the value of one hundred dollars or more fails to produce the memorandum of sale or delivery is liable on summary conviction to a fine of three thousand dollars.

8. If upon being required to produce a memorandum of sale or delivery or give other proof of ownership 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 give other proof of ownership, or if he produces a memorandum of sale or delivery or gives other proof of ownership 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—

Power to arrest and to seize. [19 of 1970].

- (a) arrest that suspected 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.

9. (1) As soon as may be practicable after the arrest of a suspected person, the constable or authorised person making the arrest shall bring the suspected person before a magistrate together with any agricultural produce or livestock, vehicle, parcel, package or any other thing seized.

Charging and trial of suspected persons. [19 of 1970 36 of 1976].

(2) If a suspected person referred to in subsection (1) does not give an account to the satisfaction of the magistrate by what lawful means he came into possession of the agricultural produce or livestock that suspected person is liable to a fine of three thousand dollars or to imprisonment for twelve months.

10. (1) Where any person—

- (a) refuses to stop a vehicle or other means of conveyance under his charge at the request of a constable or authorised person; or
- (b) being a suspected person escapes from a constable or authorised person attempting to arrest him; or

Escape etc. of suspected person. [45 of 1979].

- (c) being a suspected person lets fall or throws away from his possession any agricultural produce or livestock,

any magistrate or justice may upon application issue his warrant for the arrest of that person and for the seizure of the vehicle or other means of conveyance, if any, whereby that person was conveying the said agricultural produce or livestock.

(2) Upon the arrest of any person or suspected person or the seizure of any vehicle or other means of conveyance under subsection (1), that person or suspected person and the vehicle or other means of conveyance shall be deemed to have been arrested or seized, as the case may be, within the meaning of section 8, and is liable to be dealt with in the manner laid down in sections 9 and 14.

Search warrant.
[19 of 1970].

11. (1) If information is given on oath to any magistrate or Justice that there is cause for suspecting that any agricultural produce or livestock unlawfully obtained is concealed or lodged in any house, store, yard or other place, or on land whether enclosed or not that magistrate or Justice may, by warrant under his hand directed to any constable or authorised person, cause the house, store, yard, place or land to be entered and searched at any time.

(2) The magistrate or Justice issuing a warrant under subsection (1) may, by such warrant, if it appears necessary to him, give authority to the constable or authorised person 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 so that before using such force for the purpose aforesaid the constable or authorised person makes known his authority.

(3) If upon search made in accordance with subsections (1) and (2), any agricultural produce or livestock that the constable or authorised person has reasonable cause to suspect of having been unlawfully obtained is found, the constable or authorised person may arrest and bring before a magistrate as soon as may be practicable after such arrest—

- (a) the person in whose house, store, yard or place or on whose land such agricultural produce or livestock is found; and
- (b) any other person found in such house, store, yard or place or on such land,

if the constable or authorised person has reasonable cause to

suspect that person placed or was privy to the placing of that agricultural produce or livestock in such house, store, yard or place or on such land.

(4) If a constable or authorised person fails or is for any reason whatsoever unable to arrest any person mentioned in subsection (3)(a) and (b), a magistrate or Justice may issue a warrant for the arrest of such person or a magistrate may issue summons requiring such person to appear before him at a time and place to be mentioned in the summons.

12. A magistrate may call upon any person brought or appearing before him under section 11 to give an account to the satisfaction of such magistrate—

Trial of persons brought before magistrate under section 11. [19 of 1970 36 of 1976].

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

(b) that he was not privy to the placing of such agricultural produce or livestock in such house, store, yard or place or on such land,

and any person who fails so to satisfy the magistrate is liable to a fine of three thousand dollars or to imprisonment for twelve months.

13. (1) If any person brought or appearing before a magistrate under this Act declares that he received any agricultural produce or livestock reasonably suspected of having been 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 or control such produce previously passed, to be brought before him either by summons or by warrant, as the magistrate in each case thinks fit.

Tracing possession. [19 of 1970 36 of 1976].

(2) When such other person referred to in subsection (1) is brought before him, the magistrate may examine that person on oath as to whether he has been in possession or control of the agricultural produce or livestock reasonably suspected of having been unlawfully obtained, and, upon his admitting such possession or control, or upon it being proved to the satisfaction of the magistrate that such person has been in possession or control of such agricultural produce or livestock, the magistrate may call upon that person to give account to the satisfaction of the magis-

trate by what lawful means he came by such produce, and if that person fails to give such account, he is liable to a fine of three thousand dollars or to imprisonment for twelve months.

(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 agricultural produce or livestock suspected of having been unlawfully obtained.

Forfeiture and
sale after
conviction.
[19 of 1970].

14. Where any person is convicted of an offence under this Act, the court before which he is convicted shall order that the agricultural produce or livestock in respect of which the offence has been committed as well as any vehicle or other means of conveyance, if any, used for the purpose of conveying such agricultural produce or livestock be forfeited and, upon such order being made the agricultural produce or livestock and vehicle or other means of conveyance, if any, shall, unless an order under section 15(1) is made or an application under section 15(2) is successful, be sold and the proceeds of such sale paid into the general revenue.

Restitution.
[19 of 1970].

15. (1) A magistrate may order that any agricultural produce or livestock alleged to have been unlawfully obtained be delivered to the person who appears to him to be entitled thereto—

(a) where, in the event of the dismissal of the complaint, the suspected person in his defence had denied being in possession of the agricultural produce or livestock that was alleged to have been unlawfully obtained;
or

(b) where the magistrate convicts a suspected person or where, without proceeding to conviction, the magistrate acts under section 71 of the Summary Courts Act, or acts under section 3(1)(b) of the Probation of Offenders Act.

Ch. 13:51.

Ch. 4:20.

(2) Where any vehicle or other means of conveyance is ordered to be forfeited under section 14, the owner of such vehicle or other means of conveyance may make a claim to a magistrate for the vehicle or other means of conveyance to be restored to him.

(3) Where a claim is made to a magistrate under subsection (2) the magistrate may, subject to subsection (4), order that the vehicle or other means of conveyance shall be restored to the owner thereof on payment by him of any expenses incurred for

transporting and keeping such vehicle or other means of conveyance for the purposes of this Act.

(4) A magistrate shall not make an order under subsection (3) unless he is satisfied that the owner of the vehicle or other means of conveyance—

(a) did not permit any person convicted of an offence under section 9 or 10 to use the vehicle or other means of conveyance for the purpose of conveying any agricultural produce or livestock in respect of which the offence was committed;

(b) had no knowledge that any person convicted of an offence under section 9 or 10 would use the vehicle or other means of conveyance for the purpose of conveying any agricultural produce or livestock in respect of which the offence was committed.

(5) In this section “owner” in relation to a motor vehicle has the meaning that is given it in section 2 of the Motor Vehicles and Road Traffic Act. Ch. 48:50.

16. For the purposes of this Act, the Commissioner may appoint fit and proper persons to be authorised persons. Appointment of authorised persons.

17. (1) On appointing any person to be an authorised person under this Act, the Commissioner shall deliver or cause to be delivered to him a precept authorising him to act as such. Precept of appointment and oath of office.

(2) The precept may be in the form set out in the Schedule. Schedule.

(3) When he receives the precept, the person who is appointed shall take and subscribe before the Commissioner or any person authorised by the Commissioner in writing to do so, the following oath of office:

“I, _____ of _____, do swear that I will well and truly serve the State as an authorised person for the purposes of the Praedial Larceny Prevention Act.

So help me God.”

(4) On receiving the precept and taking and subscribing the oath, the person who is appointed shall become an authorised person for the purposes of this Act and shall have power to exercise and perform all the powers and duties conferred upon him by this Act.

Names of authorised persons to be published in *Gazette*.

18. The names of all persons appointed to be authorised persons under this Act shall be published in the *Gazette*.

Production of precept or *Gazette* in evidence.

19. The production of the precept that is delivered to an authorised person under section 17 or the production of the *Gazette* containing a notice of the appointment of any person to be an authorised person under this Act shall, in all courts and for all purposes, be *prima facie* evidence that the person to whom such precept or notice of appointment relates is an authorised person.

Equipment.

20. (1) Every authorised person shall be provided with a badge, a baton and such other equipment as may be approved by the Commissioner.

(2) The badge referred to in subsection (1) shall be evidence of the office of an authorised person and shall in all cases be displayed by every such person when exercising the duties of his office.

Resignation.

21. An authorised person may at any time on giving one month's notice in writing to the Commissioner resign his appointment as such authorised person.

Revocation of appointment.

22. The appointment of any authorised person may be revoked at any time by the Commissioner.

Delivery of articles supplied upon termination.

23. (1) Every authorised person who resigns his appointment or otherwise ceases to be an authorised person shall forthwith deliver up to the person appointed by the Commissioner for that purpose every article whatsoever that has been supplied to him at the public expense for the performance of his duties as an authorised person which he has not been expressly authorised to keep or use for his private benefit.

(2) Any person who fails to comply with this section is liable to a fine of one hundred and fifty dollars or to imprisonment for three months, and any magistrate or Justice may issue his warrant to search for and seize all such articles as aforesaid which are not so delivered up, wherever the same may be found, and to arrest the person in whose possession the same may be found.

Delivery up of supplied articles upon death of authorised person.

24. (1) When any authorised person dies, any person in possession of any articles which had been supplied to such person at the public expense for the performance of his duties as an autho-

rised person shall within fourteen days after such death, deliver any such articles over to the police officer in charge of the police station nearest to which such person resides.

(2) Any person who contravenes this section is liable to a fine of seventy-five dollars or to imprisonment for three months, and any magistrate or Justice may issue his warrant to search for and seize all such articles which are not so delivered up, wherever the same may be found, and to arrest the person in whose possession the same may be found.

25. For the purpose of performing his duties under this Act, every authorised person shall have all the powers and shall be entitled to all the immunities conferred by any law from time to time in force upon any constable.

Powers and immunities.

26. Any person not being an authorised person who in any way pretends to be an authorised person for the purpose of doing any act under this Act that such person would not by law be entitled to do of his own authority is liable to a fine of three thousand dollars or to imprisonment for six months.

Personation of authorised persons. [36 of 1976].

27. Any person who has in his possession any badge or baton or other equipment furnished for the use of an authorised person and who does not satisfactorily account for his possession thereof is liable to a fine of five thousand dollars or to imprisonment for three months.

Unlawful possession of badges, &c. [36 of 1976].

28. A constable or authorised 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 constable or authorised person he is liable to a fine of three thousand dollars or to imprisonment for three months.

Power of constable or authorised person to summon assistance. [36 of 1976].

29. Where any person assaults, obstructs, hinders or resists any constable or authorised person in the execution of his duties under this Act, or any person acting in aid of such constable or authorised person, or aids or incites any other person so to assault, obstruct, hinder or resist any constable or authorised person or any person so acting in aid of every such person is liable to a fine of three thousand dollars or to imprisonment for six months.

Penalty for assaulting &c., constable, authorised persons and their assistants. [36 of 1976].

30 (1) Any offence under this Act may be prosecuted and any penalty incurred may be imposed or recovered, in the manner

Prosecution of offences.

Ch. 4:20.

provided by the Summary Courts Act, on the complaint of a constable or authorised person.

(2) A complaint for an offence under this Act shall not be made later than six months from the time when such matter of complaint arose.

Section 17(2).

SCHEDULE

FORM OF PRECEPT

TRINIDAD AND TOBAGO

The Praedial Larceny Prevention Act

To _____ of
I, _____, Commissioner of Police, do under and
by virtue of the power and authority vested in me by the Praedial
Larceny Prevention Act hereby appoint you to be an authorised
person for the purposes of the above Act and I do issue to you
this precept authorising you to act as such an authorised person.

Dated this _____ day of _____, 19

Commissioner of Police