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1st Session First Parliament Trinidad and Tobago  
12 Elizabeth II

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TRINIDAD AND TOBAGO

**Act No. 12 of 1963**

[L.S.]

AN ACT to make better provision for the prevention of  
praedial larceny

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*Assented to 10th May, 1963*

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BE IT ENACTED by The Queen's Most Excellent Majesty, Enactment  
by and with the advice and consent of the Senate and  
House of Representatives of Trinidad and Tobago, and  
by the authority of the same, as follows :—

**1.** This Act may be cited as the Praedial Larceny Short title  
Prevention Act, 1963.

## Interpretation

## 2. (1) In this Act—

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(a) "agricultural produce" means the crops mentioned in subsection (3) of section 23 of the Summary Offences Ordinance and includes any other fruit, vegetable or product directed by the Governor-General to be included within the definition of growing crops given in the said subsection (3);

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

(c) "Commissioner" means the Commissioner of Police appointed as such under the Police Ordinance;

Ch. 11. No. 2

(d) "constable" includes any member of the Police Force and any member of supplemental bodies of Police established by the Supplemental Police Ordinance and the Special Reserve Police Ordinance;

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

(f) "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 is expressed to have been unlawfully obtained that expression means—

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

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

3. (1) A person who purchases or in any other manner obtains possession or custody of agricultural produce 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, 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 and shall set out the date of the sale or delivery, the quantity of the agricultural produce and, if the agricultural produce is purchased, the price paid therefor.

Memorandum of  
sale or delivery  
for agricultural  
produce

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

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

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(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;

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Ch. 39. No. 11

(c) any premises declared to be a public market under section 2 of the Country Markets Ordinance;

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(d) any other place that the Governor-General may by proclamation declare to be a public market for the purposes of this Act.

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

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 of more than one person shall cause the agricultural produce to be placed in such a manner as to preserve the identity of ownership of the several items of agricultural produce belonging to those persons.

Conveying  
produce of several  
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 guilty of an offence and liable to a fine of fifty 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 the provisions of 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

6. For the purpose of ascertaining whether any agricultural produce 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

7. Where in the course of a search carried out under section 6 agricultural produce 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.

Power to arrest  
and to seize

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—

- (a) arrest that suspected person and any other person whom he has reasonable cause to suspect;
- (b) seize any agricultural produce 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.

Charging and trial  
of suspected  
persons

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, vehicle, parcel, package or any other thing seized.

(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, that suspected person is guilty of an offence against this Act and liable to a fine of two hundred and fifty dollars or to imprisonment for twelve months.

**10.** (1) If any person refuses to stop the vehicle or other means of conveyance under his charge on request or being a suspected person escapes from any constable or authorised person attempting to arrest him, or lets fall or throws away any agricultural produce, any magistrate or Justice, may, upon application, issue his warrant for the arrest of that person or suspected person and for the seizure of the vehicle or other means of conveyance, if any, whereby that person was conveying the said agricultural produce. Escape &c. of suspected person

(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.

**11.** (1) If information is given on oath to any magistrate or Justice that there is cause for suspecting that any agricultural produce 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. Search warrant

(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 the provisions of subsections (1) and (2), any agricultural produce 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 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 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 paragraphs (a) and (b) of subsection (3), 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.

Trial of persons  
brought before  
magistrate under  
section 11

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

(a) by what lawful means any agricultural produce 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 in such house, store, yard or place or on such land,

and any person who fails so to satisfy the magistrate is guilty of an offence and liable to a fine of two hundred and fifty dollars or to imprisonment for twelve months.

Tracing possession

**13.** (1) If any person brought or appearing before a magistrate under this Act declares that he received any agricultural produce 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 deems fit.

(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 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, the magistrate may call upon that person to give account to the satisfaction of the magistrate by what lawful means he came by such produce, and if that person fails to give such account, he is guilty of an offence and liable to a fine of two hundred and fifty 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 suspected of having been unlawfully obtained.

**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 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 be forfeited and, upon such order being made the agricultural produce and vehicle or other means of conveyance, if any, shall, unless an order under subsection (1) of section 15 is made or an application under subsection (2) of section 15 is successful, be sold and the proceeds of such sale paid into the general revenue. Forfeiture and  
sale after conviction

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

(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 that was alleged to have been unlawfully obtained, or

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(b) where the magistrate convicts a suspected person or where, without proceeding to conviction, the magistrate acts under section 68 of the Summary Courts Ordinance, or acts under paragraph (b) of subsection (1) of section 3 of the Probation of Offenders Ordinance.

(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 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 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 Ordinance.

Ch. 16. No. 3

Appointment of  
authorised persons

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

Precept of  
appointment  
and oath of office

**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.

(2) The precept may be in the form contained in the First 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 our  
Sovereign Lady the Queen as an authorised person  
for the purposes of the Praedial Larceny Prevention  
Act, 1963.

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.

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

**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. Production of precept or *Gazette* in evidence

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

(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.

**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. Resignation

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

**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 Delivery of articles supplied on leaving

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) Every person who fails to comply with this section is liable to imprisonment for three months or to a fine of fifty dollars, 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 articles having belonged to a deceased 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 authorised person shall within fourteen days after such death, deliver any such articles over to the member of the Police Force in charge of the police station nearest to which such person resides.

(2) Any person who contravenes this section is liable to imprisonment for two months or to a fine of twenty-five dollars; 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.

Powers and immunities

**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.

Personation of authorised persons

**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 imprisonment for six months or to a fine of two hundred and fifty dollars.

Unlawful possession of badges, &c.

**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 imprisonment for three months or to a fine of one hundred dollars.

**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 guilty of an offence and liable to a fine of one hundred and fifty dollars or to imprisonment for a term of three months.

Power of constable and authorised person to summon assistance

**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 every such person is guilty of an offence and liable to a fine of two hundred and fifty dollars or to imprisonment for a term of six months.

Penalty for assaulting &c., constable, authorised persons and their assistants

**30.** (1) Any offence under this Act may be prosecuted and any penalty incurred may be imposed or recovered, in the manner provided by the Summary Courts Ordinance, on the complaint of a constable or authorised person.

Prosecution of offences

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(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.

**31.** The amendments specified in the second column of the Second Schedule shall be made to the Ordinances referred to in the first column of that Schedule.

Enactments amended

Second Schedule

**32.** This Act shall come into force on proclamation by the Governor-General published in the *Gazette*.

Commencement

## FIRST SCHEDULE

(Section 17(2))

## FORM OF PRECEPT

TRINIDAD AND TOBAGO

The Praedial Larceny Prevention Act, 1963,

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, 1963, 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*

## SECOND SCHEDULE

(Section 31)

## AMENDMENTS TO ENACTMENTS

<i>First column</i>	<i>Second column</i>
The Summary Offences Ordinance, Ch. 4. No. 17.	Sections 41, 42, 43, 44, 45 and 46 are repealed.
The Sale of Produce Ordinance, Ch. 23. No. 18	<p>Subsection (1) of section 2 is amended by the deletion of the definition "coffee" and the substitution therefor of "coffee" means coffee in pulp or cherry and raw coffee whether in parchment or cleaned'.</p> <p>Subsection (5) of section 8 is repealed and replaced as follows :</p> <p>"(5) In the event of the conviction of a licensed dealer for any offence under this Ordinance, the bond that he is required by this section to enter into immediately becomes forfeited and the amount due on the bond may be recovered by the Attorney General whether from the principal or surety in the manner provided by sections 79, 80, 81 and 82 of the Summary Courts Ordinance in the case of a sum of money adjudged to be paid by an order."</p> <p>Section 9 is amended by the insertion after subsection (1) of the following new subsection and the re-numbering of subsections (2), (3), (4), (5) and (6) as subsections (3), (4), (5), (6) and (7), that is to say—</p> <p>"(2) Every first application for a licence under this section shall be accompanied by a plan of the premises in respect of which the application is being made."</p> <p>Subparagraphs (i), (ii) and (iii) of paragraph (d) of subsection (3) of section 19 are amended by the deletion of the word "forty-eight" in the case of subparagraph (i) and the substitution therefor of the words "one hundred and twenty" and by the deletion of the word "forty-eight" at the beginning of the second line in the case of subparagraph (ii) and the word "ninety-six" at the end thereof and the substitution respectively therefor of the words "one hundred and twenty" and the words "two hundred" and by the deletion of the words "ninety-six dollars" in the case of subparagraph (iii) and the substitution therefor of the words "four hundred and eighty dollars and the licence granted to him under section 9 of this Ordinance shall be forfeited".</p> <p>Subsection (1) of section 21 is amended by the deletion of the word "ninety-six" and the substitution therefor of the words "two hundred and forty" in the last line thereof.</p>

## SECOND SCHEDULE—CONTINUED

(Section 31)

AMENDMENTS TO ENACTMENTS—*Continued*

<i>First column</i>	<i>Second column</i>
The Sale of Produce Ordinance, Ch. 23. No. 18— <i>Contd.</i>	<p>Paragraph (a) of subsection (1) of section 24 is amended by the deletion of the words "or Corpus Christi day, or" and the substitution of the words "Corpus Christi day or public holiday, or".</p> <p>Section 36 is amended by the deletion of subsection (4) thereof and the substitution therefor of the following:</p> <p>"(4) A person arrested under subsection (1) is liable to be dealt with as a suspected person within the meaning of the Praedial Larceny Prevention Act, 1962 in the manner provided <i>mutatis mutandis</i> in sections 8 and 9 of that Act."</p> <p>Sections 37 and 38 are repealed.</p>

Passed in the House of Representatives this 8th day of March, 1963.

G. R. LATOUR

*Clerk of the House of Representatives*

Passed in the Senate this 26th day of March, 1963.

J. P. OTTLEY

*Clerk of the Senate*