

PRAEDIAL LARCENY PREVENTION ACT

CHAPTER 10:03

Act

12 of 1963

Amended by

19 of 1970

36 of 1976

45 of 1979

21 of 1990

8 of 1992

56 of 2000

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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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 (Chap. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

CHAPTER 10:03

PRAEDIAL LARCENY PREVENTION ACT

ARRANGEMENT OF SECTIONS

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SECTION

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FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 10:03

PRAEDIAL LARCENY PREVENTION ACT

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

[27TH DECEMBER 1963]

Commencement.
138/1963.

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

2. (1) In this Act—

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

Interpretation.
[19 of 1970
21 of 1990
8 of 1992
56 of 2000].
Ch. 11:02.

“authorised person” means any person appointed under
section 16;

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

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

Ch. 15:01.

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

Ch. 81:01.

“constable” includes any member of the Police Service, any
member of a Municipal Police Service and any member of
the supplemental bodies of Police established under the
Supplemental Police Act and the Special Reserve Police Act;

Ch. 15:02.
Ch. 15:03.

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

“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;

Ch. 11:02.

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

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

Ch. 11:02.

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

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

“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;

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

Ch. 75:06.

“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.

Establishment of
Praedial
Larceny Squad.
[56 of 2000].

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.

Ch. 15:01.

Ch. 15:02.
Ch. 15:03.

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

Registration as a seller of agricultural produce or livestock. [56 of 2000].

(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. [56 of 2000].

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.

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.

Power to stop and search any person carrying agricultural produce or livestock, etc. [56 of 2000].

(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.

Conveying
produce of
several persons.
[19 of 1970
36 of 1976
56 of 2000].

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 ten thousand dollars and to imprisonment for four years.

(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.

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.

Power to require production of memorandum of sale or delivery or other proof of ownership. [56 of 2000].

(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.

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

Power to arrest and seize. [56 of 2000].

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.

Charging and trial of suspected persons. [19 of 1970, 36 of 1976, 56 of 2000].

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.

(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 not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.

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

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
- (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.

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. Search warrant. [19 of 1970].

(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.

Trial of persons brought before Magistrate under section 11. [19 of 1970 36 of 1976 56 of 2000].

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—

- (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 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 not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.

Tracing possession. [19 of 1970 36 of 1976 56 of 2000].

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 driver, 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.

(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 Magistrate 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 not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.

(3) For the purposes of this section, the possession of a driver, carrier, agent or servant shall be deemed to be the possession of the person who employed the driver, carrier, agent or servant to convey the agricultural produce or livestock suspected to having been unlawfully obtained.

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:

Orders before conviction.
[56 of 2000].

- (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.

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.

Taking of photographs of agricultural produce, etc.
[56 of 2000].

Form 1.
Second Schedule.

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Form 2.
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.

(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.

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. 4:20.

Ch. 13:51.

(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.

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. Supervision order. [56 of 2000].

(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.

Ch. 13:06.

(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).

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 First Schedule.

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 the State as an authorised person for the purposes of the Praedial Larceny Prevention Act.

Ch. 10:03.

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 on 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.

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 police officer in charge of the police station nearest to which such person resides.

Delivery up of supplied articles upon death of authorised person.

(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 ten thousand dollars and to imprisonment for two years.

Personation of authorised person. [36 of 1976 56 of 2000].

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 and to imprisonment for one year.

Unlawful possession of badges, etc. [36 of 1976 56 of 2000].

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.

Forging or counterfeiting certification of registration. [56 of 2000].

Power of constable or authorised person to summon assistance. [36 of 1976 56 of 2000].

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 and to imprisonment for three months.

Penalty for assaulting, etc., constable, authorised persons and their assistants. [36 of 1976 56 of 2000].

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 not less than five thousand dollars and not more than twenty thousand dollars and to imprisonment for four years.

Prosecution of offences. [56 of 2000].
Ch. 4:20.

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 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 one year from the time when such matter of complaint arose.

Special powers of Magistrate in relation to minimum penalties. [56 of 2000].
Ch. 3:01.

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

(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.

Ch. 46:01.

32. The Minister may by Order amend the Second Schedule. Amendment to Second Schedule. [56 of 2000].

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. Regulations. [56 of 2000].

FIRST SCHEDULE

Section 17(2).

FORM OF PRECEPT

REPUBLIC OF TRINIDAD AND TOBAGO.

THE PRAEDIAL LARCENY PREVENTION ACT (CHAP. 10:03)

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, 20.....

Commissioner of Police.

L.R.O. 1/2006

[56 of 2000].

SECOND SCHEDULE

THE PRAEDIAL LARCENY PREVENTION ACT (CHAP. 10:03)

RETURN OF PHOTOGRAPHER

[Section 13B(1)].

FORM 1

I,
(name, rank and number of photographer)

of photographer
(address)

did on take photograph(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 (CHAP. 10:03)

RETURN OF WITNESS TO TAKING OF PHOTOGRAPHS

FORM 2

[Section 13B(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.