

MALICIOUS DAMAGE ACT

CHAPTER 11:06

Act

11 of 1925

Amended by

20 of 1936

14 of 1939

20 of 1953

45 of 1979

*47 of 1980

*See Note on section 8 on page 2

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 section 8

In the 1980 Revision, section 8 of Ch. 4. No. 13 (1950 Ed.) (i.e., the Malicious Damage Ordinance) was deleted by Act No. 45 of 1979. Section 9 of Ch. 4. No. 13 then became section 8 in the 1980 Revised Edition. However, before section 9 was renumbered in the revision exercise, it was repealed and replaced by Act No. 47 of 1980 and now appears as section 8.

CHAPTER 11:06

MALICIOUS DAMAGE ACT

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CHAPTER 11:06

MALICIOUS DAMAGE ACT

An Act relating to malicious injuries to property.

1950 Ed.
Ch. 4. No. 13.
11 of 1925.
Commencement.

[3RD APRIL 1925]

1. This Act may be cited as the Malicious Damage Act.

Short title.

2. In this Act “constable” means any member of the Police Service and includes the Special Reserve Police and any rural, estate, city or borough constable.

Interpretation.

PART I

**INJURIES BY FIRE TO BUILDINGS AND
GOODS THEREIN**

3. Any person who unlawfully and maliciously sets fire to any church, chapel, meeting-house, or other place of divine worship is liable to imprisonment for life.

Setting fire to
places of
worship.

4. Any person who unlawfully and maliciously sets fire to any dwelling house, any person being therein, is liable to imprisonment for life.

Setting fire to a
dwelling house,
any person
being therein.

5. Any person who unlawfully and maliciously sets fire to any house, stable, coach-house, outhouse, warehouse, office, store, shop, mill, boiling-house, curing-house, still-house, storehouse, megass-house, cocoa-house, barn, granary, shed, hovel, or fold, or to any building or erection used in the cultivation, collection, or manufacture of sugar, cocoa, coffee, or other produce, or in carrying on any trade or manufacture, or any branch thereof, with intent thereby to injure or defraud any person, is liable to imprisonment for life.

Setting fire to a
house, outhouse,
warehouse and
other buildings.

6. Any person who unlawfully and maliciously sets fire to any building, other than those specified in sections 3 to 5, belonging to the State, or to any city, borough, town, ward, parish, or place, or to any Court of Justice, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, is liable to imprisonment for life.

Setting fire to
any public
building.

Setting fire to other buildings.

7. Any person who unlawfully and maliciously sets fire to any building other than those specified in sections 3 to 6, is liable to imprisonment for ten years.

Setting fire to goods in buildings, the setting fire to which is an arrestable offence.
[47 of 1980].

8. Any person who maliciously sets fire to any matter or thing, being in, against or under any building under such circumstances that, if the building were thereby set fire to, the offence would amount to an arrestable offence, is liable to imprisonment for ten years.

Placing inflammable materials with intent to set fire.

9. Any person who places in, against, or under any building any petroleum or any mineral, vegetable, or other oil, or any hay, straw, cotton-waste, or other combustible or inflammable material, with intent to set fire to such building, under such circumstances that, if fire were set to the building, the offender would be guilty of an arrestable offence, or to render such building liable to take fire under such circumstances as mentioned above, is liable to imprisonment for ten years.

Conspiracy to set fire.

10. All persons who conspire, confederate, or agree to set fire to any building under such circumstances that the actual setting of such fire would be an arrestable offence, and whosoever solicits, encourages, persuades, or endeavours to persuade, or proposes to any person to set fire to any building, under such circumstances as mentioned above, is liable to imprisonment for ten years.

PART II

INJURIES BY EXPLOSIVE SUBSTANCES TO BUILDINGS AND GOODS THEREIN

Destroying or damaging a house with gunpowder, any person being therein.

11. Any person who unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroys, throws down, or damages the whole or any part of any dwelling house, any person being therein, or of any building whereby the life of any person is endangered, is liable to imprisonment for life.

12. Any person who unlawfully and maliciously places or throws in, into, upon, under, against, or near any building any gunpowder or other explosive substance, with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods, or chattels (whether or not any explosion takes place, and whether or not any damage is caused) is liable to imprisonment for ten years.

Attempting to destroy buildings with gunpowder.

PART III

INJURIES TO BUILDINGS BY RIOTERS, ETC.

13. Any persons, riotously or tumultuously assembled together, who unlawfully and with force, demolish, or pull down, or destroy, or begin to demolish, pull down, or destroy, any church, chapel, meeting-house or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, boiling-house, curing house, still-house, storehouse, megass-house, cocoa-house, barn, granary, shed, hovel, or fold, or any building or erection used in the collection or manufacture of sugar, cocoa, coffee, or other produce, or in carrying on any trade or manufacture, or any branch thereof, or any building, other than such as are in this section mentioned above, belonging to the State or to any city, borough, town, ward, parish, or place, or to any Court of Justice, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or upon or for the purposes of any railway, or any steam engine or other engine, is liable to imprisonment for ten years.

Rioters destroying church, building, machinery, etc.

14. Any persons, riotously or tumultuously assembled together, who unlawfully and with force injure or damage any property as is specified in section 13 is liable to imprisonment for five years.

Rioters injuring building, machinery, etc. [45 of 1979].

PART IV

INJURIES TO BUILDINGS BY TENANTS

15. Any person, being possessed of any dwelling house or other building, or part of any dwelling house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, who unlawfully and maliciously pulls

Tenants of buildings maliciously injuring them.

down or demolishes or begins to pull down or demolish, the same or any part thereof, or who unlawfully and maliciously pulls down or severs from the freehold any fixture being fixed in or to such dwelling house or building, or part of such dwelling house or building, is liable to imprisonment for five years.

PART V

INJURIES TO MACHINERY OR PLANT

Damage to certain machines and works.

16. Any person who unlawfully and maliciously cuts, breaks, or destroys, or damages with intent to destroy or to render useless, any electric wire, pipe line, engine, or any part of the machinery, works or plant, whether fixed or movable, used or intended to be used for any agricultural, electrical, oil mining or oil refining operation, or for the manufacture of any product whatsoever, or for the conveyance or distribution of such product, is liable to imprisonment for seven years.

PART VI

INJURIES TO CROPS, VEGETABLE PRODUCE, OR PLANTATIONS

Setting fire to crops.

17. Any person who unlawfully and maliciously sets fire to any crop of sugar canes, whether standing or cut down, or to any crop of hay, grass, corn, or grain, or to any cultivated vegetable produce, whether standing or cut down, or to any stack or stacked heap of straw, trash, ground-cane megass, cane-tops, corn-stalks, wood, or other matter used for fuel, or to any plantation of cocoa, coffee, or other trees, or to any part of any wood, coppice, or plantation of trees or valuable plants, or ground produce, wheresoever the same may be growing, or to any trash reserved or placed on any land in course of cultivation, is liable to imprisonment for ten years.

Setting fire to hay, straw, or implements.

18. Any person who unlawfully and maliciously sets fire to any hay, straw, trash, megass, cane-tops, or corn-stalks, or to any coal, wood, charcoal, or other substance whatsoever, or to any implement of husbandry, being in any building whatsoever, with intent thereby to set fire to such building and to injure or defraud, is liable to imprisonment for ten years.

19. Any person who unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling house, where the amount of injury done exceeds the sum of five hundred dollars, is liable to imprisonment for two years.

Destroying trees, or underwood valued more than five hundred dollars growing in a pleasure ground. [45 of 1979].

20. Any person who unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling house, where the amount of the injury done exceeds the sum of five hundred dollars, is liable to imprisonment for two years.

Destroying trees, or underwood valued more than five hundred dollars not in pleasure ground. [45 of 1979].

PART VII

**INJURIES TO SEA AND RIVER BANKS,
CANALS, PONDS, ETC.**

21. Any person who unlawfully and maliciously breaks down or cuts down or otherwise damages or destroys any sea bank, or sea wall, or the bank, dam, or wall of or belonging to any river, canal, drain, reservoir, or marsh, whereby any land or building is or is in danger of being overflowed or damaged, or who unlawfully and maliciously throws, breaks or cuts down, levels, undermines or otherwise destroys any quay, wharf, jetty, lock, sluice, or floodgate, or other work belonging to any port, harbour, dock, or reservoir, or on or belonging to any navigable river or canal, or who unlawfully and maliciously damages or destroys any dam, reservoir or other waterworks vested in the Water and Sewerage Authority or constructed under the provisions of the Water and Sewerage Act or operated, managed or controlled by the Authority (whether vested in the Authority or not) is liable to imprisonment for ten years.

Destroying sea banks, works on canals or rivers, or certain dams or reservoirs. [45 of 1979].

Removing the piles of any sea bank, etc., or doing any damage to obstruct the navigation of a river or canal.

22. Any person who unlawfully and maliciously cuts off, draws up, or removes any piles, chalk, or other materials fixed in the ground, and used for securing any sea bank or sea wall, or the bank, dam, or wall of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, wharf, jetty, or lock, or who unlawfully and maliciously opens or draws up any floodgate or sluice, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, is liable to imprisonment for five years.

Breaking down dam or fish pond or mill dam.

23. Any person who unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam, floodgate, or sluice of any fish pond, or of any water which is private property, or in which there is any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or who unlawfully and maliciously puts any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that may then be or that may thereafter be put therein, or who unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam or floodgate of any mill pond, reservoir, or pool, is liable to imprisonment for two years.

PART VIII

INJURIES TO BRIDGES, ETC.

Injury to a public bridge.

24. Any person who unlawfully and maliciously pulls or throws down or in anywise destroys any bridge (whether over any stream of water or not), or any viaduct or aqueduct, over or under which bridge, viaduct, or aqueduct any highway, railway, or canal shall pass, or does any injury with intent and so as thereby to render such bridge, viaduct, or aqueduct, or the highway, railway, or canal passing over or under the same, or any part thereof, dangerous or impassable, is liable to imprisonment for ten years.

PART IX

INJURIES TO RAILWAYS, ETC.

25. Any person who unlawfully and maliciously sets fire Setting fire. to any station, engine-house, warehouse, or other building belonging or appertaining to any railway is liable to imprisonment for ten years.

26. Any person who unlawfully and maliciously— Injury to station, buildings, etc.

- (a) pulls or throws down or in anywise injures any station, engine-house, warehouse, or other building belonging or appertaining to any railway; or
- (b) pulls or throws down or cuts or otherwise injures or removes any post, machinery, signal, semaphore, connecting-rod, or wire, or other thing belonging or appertaining to any railway,

is liable to imprisonment for four years.

27. (1) Any person who unlawfully does any of the Various offences. following acts:

- (a) places or casts upon a railway any thing whatsoever liable to explode or be exploded, or calculated to obstruct, overthrow, destroy, or injure any engine, tender, carriage, or truck, or to injure or alarm any person travelling or being on a railway, or to endanger the life or limb or otherwise endanger the safety of any such person;
- (b) takes up, removes, or displaces any rail or sleeper or any other thing whatsoever belonging to a railway;
- (c) turns, moves, or diverts any points or other machinery belonging to a railway;
- (d) makes, shows, hides, or removes any signal or light upon or near to a railway; or

- (e) throws, or in any manner projects at, upon, or into, or wilfully lets fall upon or into, any train in motion on any railway any stone or other thing likely to cause injury or annoyance,

is liable to a fine of four thousand dollars or to imprisonment for two years.

- (2) Any person who unlawfully and maliciously —
- (a) with intent to obstruct, overthrow, destroy, or injure any engine, tender, carriage, or truck on a railway; or
- (b) with intent to endanger the life or limb or otherwise endanger the safety of any person travelling or being on a railway,

does any of the acts mentioned above, or any other act, is liable to imprisonment for four years.

Throwing stones or other articles with intent to injure.

28. Any person who unlawfully throws, or causes to fall or strike at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any thing whatsoever, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first-mentioned engine, tender, carriage, or truck forms part, is liable to imprisonment for four years.

Doing or omitting anything to endanger passengers.

29. Any person who, by any unlawful act, or by any wilful omission or neglect, obstructs or causes to be obstructed any engine, tender, carriage, or truck on a railway, or endangers or causes to be endangered the safety of any person conveyed or being in or upon a railway, or aids or assists therein, is liable to imprisonment for two years.

Omitting to fasten gates.

30. Any person who omits to shut and fasten any gate set up on either side of any railway for the accommodation of the owners or occupiers of the adjoining land as soon as he and any carriage, wagon, dray, or cart, or any cattle or other animals under his care, have passed through such gate, is liable on summary conviction to a fine of two hundred dollars.

31. (1) If any person wilfully obstructs or impedes in the execution of his duty any officer employed upon any railway, or upon or in any of the stations or other works or premises connected with any railway, or if any person wilfully trespasses upon any railway or any of the stations or other works or premises connected with any railway, and refuses to quit the same upon request to him made by any officer employed on such railway, every person so offending, and all others aiding or assisting in any such offence, is liable on summary conviction to a fine of one thousand dollars.

Obstructing railway officers or trespassing.

(2) Any such offender may be seized and detained by any officer employed on such railway, or by any person whom he may call to his assistance, until such offender can be conveniently taken before a Justice to be dealt with according to law.

Apprehension of offender.

PART X

INJURIES TO TELEGRAPHS, ETC.

32. (1) Any person who unlawfully and maliciously cuts, breaks, throws down, destroys, injures, or removes any battery, machinery, wire, cable, post, or other thing whatsoever being part of, or being used or employed in or about, any electric or magnetic telegraph, or in the working thereof, or unlawfully and maliciously prevents or obstructs in any manner whatsoever the sending, conveyance, or delivery of any communication by any such telegraph, is liable to imprisonment for two years.

Offences in regard to telegraphs.

(2) Any person who unlawfully and maliciously, by any overt act, attempts to commit any of the offences mentioned in this section is liable on summary conviction to a fine of four hundred dollars or to imprisonment for six months.

Attempts.

PART XI

INJURIES TO WORKS OF ART

33. (1) Any person who unlawfully and maliciously destroys or damages any book, manuscript, picture, statue, bust, or vase, or any other article or thing kept for the purpose of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, which museum, gallery, cabinet, library,

Destroying books, works of art or science, or articles of public interest. [20 of 1953].

or other repository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other ornament, or work of art, in any church, chapel, meeting-house, or other place of divine worship, or in any building belonging to the State, or to any city, borough, town, ward, parish, or place, or to any Court of Justice, or in any street, square, church yard, burial ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing, or fence surrounding such statue or monument, is liable to imprisonment for two years.

(2) Nothing in this section shall affect the right of any person to recover, by action at law, damages for the injury so committed.

PART XII

INJURIES TO CATTLE

Killing or maiming cattle.

34. (1) Any person who unlawfully and maliciously kills, maims, or wounds any cattle is liable to imprisonment for seven years.

Definition of "cattle".

(2) For the purposes of this section, the expression "cattle" includes horses, asses, mules, kine, sheep, goats, and swine, as well as all horned cattle.

PART XIII

INJURIES TO SHIPS, ETC.

Setting fire to ships with intent to prejudice the owners or underwriters. [45 of 1979].

35. Any person who unlawfully and maliciously sets fire to or casts away, or in anywise destroys any ship or vessel whether the same be complete or in an unfinished state, is liable to imprisonment for life.

Placing gunpowder on or near a ship with intent to damage it.

36. Any person who unlawfully and maliciously places or throws in, into, upon, against, or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel or any machinery, working tools, goods, or chattels (whether or not any explosion takes place, and whether or not any injury is effected) is liable to imprisonment for ten years.

37. Any person who unlawfully and maliciously damages, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same or to render the same useless, is liable to imprisonment for ten years.

Damaging ships otherwise than by fire.

38. Any person who unlawfully masks, alters or removes any light or signal, or unlawfully exhibits any false light or signal, with intent to bring any ship, vessel, or boat into danger, or who unlawfully and maliciously does anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, is liable to imprisonment for ten years.

Exhibiting false signals to danger of vessels.

39. Any person who unlawfully and maliciously cuts away, casts adrift, removes, alters, defaces, sinks, or destroys, or who unlawfully and maliciously does any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or who in any other manner unlawfully and maliciously injures or conceals any boat, buoy, rope, perch, or mark, used or intended for the guidance of seamen for the purpose of navigation, is liable to imprisonment for five years.

Removing or concealing buoys and other sea marks.

40. Any person who unlawfully and maliciously destroys any part of any ship or vessel which is in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, is liable to imprisonment for seven years.

Destroying wrecks or any articles belonging thereto.

PART XIV

SENDING LETTERS THREATENING TO BURN OR DESTROY

41. Any person who sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing, threatening to burn or destroy any house, barn or other building, or any growing crop, or any agricultural produce, or any ship or vessel, or to kill, maim, or wound any cattle, is liable to imprisonment for five years.

Sending letters threatening to burn or destroy buildings, crops, ships, or cattle.

PART XV

INJURIES TO VALUABLE SECURITIES, DOCUMENTS
OF TITLE, WILLS, ETC.

Destroying, etc.,
valuable
securities.

42. (1) Any person who unlawfully and maliciously, or for any fraudulent purpose, destroys, injures, cancels, or obliterates the whole or any part of any valuable security, or any document of title to lands or goods, is liable to imprisonment for three years.

Definitions.

(2) For the purposes of this section, the expressions “document of title to goods”, “document of title to lands”, and “valuable security”, have the meanings assigned to these expressions by section 2 of the Forgery Act.

Ch. 11:13.

Destroying, etc.,
Wills.

43. Any person who, either during the life of the testator or after his death, unlawfully and maliciously, or for any fraudulent purpose, destroys, injures, cancels, obliterates, or conceals the whole or any part of any Will, codicil, or other testamentary instrument, whether the same relates to real or personal estate, or to both, is liable to imprisonment for five years.

Destroying, etc.,
documents of
record, etc.

44. Any person who unlawfully and maliciously, or for any fraudulent purpose, destroys, injures, cancels, or obliterates the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever of or belonging to any Court of Justice, or relating to any cause or matter, civil or criminal, begun, depending or terminating in any Court of Justice, or of any original document in anywise relating to the business of any office or employment in the service of the State, or being or remaining in any office appertaining to any Court of Justice, or in any Government or public office, is liable to imprisonment for three years.

PART XVI

INJURIES NOT BEFORE PROVIDED FOR

Persons
committing
malicious
injuries not
before provided
for, exceeding the
amount of five
hundred dollars.
[45 of 1979].

45. Any person who unlawfully and maliciously commits any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is provided, the damage, injury, or spoil being to an amount exceeding five hundred dollars, is liable to imprisonment for two years.

PART XVII

**MAKING EXPLOSIVE SUBSTANCE TO COMMIT
OFFENCES, AND SEARCHING FOR THE SAME**

46. Any person who makes or manufactures or knowingly has in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the arrestable offences mentioned in this Act, is liable to imprisonment for two years.

Making or having explosive substances, with intent to commit offence against this Act.

47. Where there is reasonable cause to suspect that any combustible or inflammable material is concealed or placed in, against, or under any house, building, or other place for the purpose of being used in committing any of the arrestable offences mentioned in this Act, any Justice may, by warrant under his hand, authorise any constable, with such assistance as may be necessary, to enter and search at any time of the day or night such house, building, or other place and any adjacent premises; and, if any combustible or inflammable material is found, to convey the same forthwith before any Magistrate, or to guard the same on the spot or in some place of security subject to the orders of any Magistrate, and to apprehend and convey before any Magistrate the person or persons in, against, or under whose house, building, or place such material is found, if any constable acting under any such warrant as mentioned above has reasonable cause to suspect any such person of having been privy to the concealment or placing of such material, and also any other person found in or near such house, building, or place who appears to have been privy to the concealment or placing of such material.

Power to search and arrest suspected persons.

PART XVIII

SUPPLEMENTAL PROVISIONS

48. Every punishment imposed by this Act on any person maliciously committing any offence shall equally apply and be enforced whether the offence is committed from malice conceived against the owner of the property in respect of which it is committed or otherwise.

Malice against owner not essential to offence.

Act to apply to owner or to person in possession of property injured.

49. Every provision of this Act not hereinbefore so applied applies to every person who, with intent to injure or defraud any other person, does any of the acts hereinbefore made penal, although the offender is the owner or is in possession of the property against or in respect of which such act is done.

Intent to injure particular person need not be proved.

50. On the trial of any person for any offence against this Act, it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud, as the case may be.