



MONTSERRAT

CHAPTER 4.13

PREVENTION OF CRIMES ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

PREVENTION OF CRIMES ACT

Act 1 of 1874 .. in force 18 June 1874

Amended by Act 3 of 1920

Amended by Act 1 of 1927

Amended by S.R.O.: 15/1956

Amended by Act 21 of 1982

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Page
3



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Page
3

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PREVENTION OF CRIMES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Summary conviction
4. Punishment of persons previously convicted
5. Persons subject to supervision of police
6. Duties of persons subject to supervision
7. Punishment for not notifying residence
8. Offences against this Act
9. Constables may search premises
10. Evidence against persons having received stolen property
11. Any person may apprehend
12. Punishment for assaulting persons apprehending others
13. Night
14. Expenses of prosecution to be allowed

CHAPTER 4.13

PREVENTION OF CRIMES ACT

(Acts 1 of 1874, 3 of 1920, 1 of 1927,
S.R.O. 15/1956 and Acts 21 of 1982, 12 of 1983 and 4 of 2003)

Commencement

[18 June 1874]

Short title

1. This Act may be cited as the Prevention of Crimes Act.

Interpretation

2. In this Act—

“**Chief officer of police**” means the Commissioner of Police, and shall include any Superintendent, Inspector or subordinate police officer;

“**crime**” means any offence for which the sentence is fixed by law or for which a person (not previously convicted) may be sentenced to imprisonment for five years, and also includes an attempt to commit such an offence;

“**offence**” means any act or omission, not falling within the definition of crime in this Act, which is punishable by law whether summarily or on indictment.

(Amended by Act 12 of 1983)

Summary conviction

3. Every offence against this Act shall be punishable on summary conviction.

Punishment of persons previously convicted

4. (1) Where any person is convicted, on indictment, of a crime, and a previous conviction of a crime is proved against him, he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes, be guilty of an offence against this Act, and be liable to imprisonment, for a term not exceeding one year, under the following circumstances, or any of them—

- (a) if, on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a Magistrate, it appears to such Magistrate that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means;

- (b) if, on being charged with any offence punishable on indictment or summary conviction, and on being required by a Magistrate to give his name and address, he refuses to do so, or gives a false name or false address;
- (c) if he is found in any place, whether public or private, under such circumstances as to satisfy the Magistrate, before whom he is brought, that he was about to commit, or to aid in the commission of, any offence punishable on indictment or summary conviction, or was waiting for an opportunity to commit, or aid in the commission of, any offence punishable on indictment or summary conviction; or
- (d) if he is found in or upon any dwelling-house or any building, yard or premises, being part of or attached to such dwelling-house or in or upon any shop, warehouse, counting-house, curing house, boiling house or other place of business, or in any garden, orchard, pleasure ground or nursery ground, without being able to account, to the satisfaction of the Magistrate before whom he is brought, for his being found on such premises.

(2) Any person charged with being guilty of any offence against this Act, mentioned in this section, may be taken into custody, as follows, that is to say—

- (a) in the case of any such offence against this Act in subsection (1)(a) mentioned, by any constable without warrant, if such constable is authorized so to do by the Chief officer of police;
- (b) in the case of any such offence against this Act in subsection (1)(c) mentioned, by any constable without warrant, although such constable is not specially authorized to take him into custody;
- (c) also, when any person is charged with being guilty of an offence against this Act in subsection (1)(d) mentioned, he may, without warrant, be apprehended by any constable or by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorized by the owner or occupier, and may be detained until he can be delivered into the custody of a constable.

Persons subject to supervision of police

5. Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, the Court having cognizance of such indictment may, in addition to any other punishment which it may award to him, direct that he is to be subject to the supervision of the police for a period of seven years, or such less period as the Court

may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

Duties of persons subject to supervision

6. Every person subject to the supervision of the police, who is at large in Montserrat, shall notify the place of his residence or any change thereof to the Chief officer of police and if such person be a male he shall once in each month report himself at such time as may be prescribed by the Chief officer of police, either to such officer himself or to such other person as the Chief officer of police may direct and such report may accordingly as such Chief officer of police directs be required to be made personally or by letter.

Punishment for not notifying residence

7. If any person, subject to the supervision of the police, who is at large in Montserrat, remains in any place for 48 hours without notifying the place of his residence to the Chief officer of police or fails to comply with the requisitions of the last preceding section on the occasion of any change of residence, or with the requisitions of the last preceding section as to reporting himself once in each month, he shall, in every such case, unless he proves to the satisfaction of the Magistrate before whom he is tried that he did his best to act in conformity with the law, be guilty of an offence against this Act, and, upon conviction thereof, he shall be subject to be imprisoned for any period not exceeding one year.

Offences against this Act; licence may be forfeited; penalty for refusing to produce licence

8. (1) Every person who occupies, or keeps, any lodging-house, beer-house, public-house, or other house or place where intoxicating liquors are sold, or any place of public entertainment or public resort, and knowingly lodges, or knowingly harbours, thieves or reputed thieves, or knowingly permits, or knowingly suffers them to meet or assemble therein, or knowingly allows a deposit of goods therein, having reasonable cause for believing them to be stolen, shall be guilty of an offence against this Act, and be liable to a penalty not exceeding \$1,000, and the Magistrate before whom he is brought may, if he thinks fit, in addition to, or in lieu of, any penalty, require him to enter into recognizances, with or without sureties, for keeping the peace or being of good behaviour during twelve months:

Provided that—

- (a) no person shall be imprisoned for not finding sureties in pursuance of this section for a longer period than three months; and
- (b) the security required from a surety shall not exceed \$500.

(Amended by Act 4 of 2003)

(2) Any licence for the sale of any intoxicating liquors, or for keeping any place of public entertainment or public resort, which has been granted to the occupier or keeper of any such house or place as aforesaid, may, in the discretion of the Magistrate, be forfeited on his first conviction of an offence under this section; and, on his second conviction of such an offence, his licence shall be forfeited, and he shall be disqualified, for a period of two years, from receiving any such licence; moreover, where two convictions under this Act have taken place within a period of three years in respect of the same premises, whether the persons convicted were or were not the same, the Magistrate shall direct that, for a term not exceeding one year from the last of such convictions, no such licence as aforesaid shall be granted to any person whatever in respect of such premises; and any licence granted in contravention of this section shall be void.

(3) Any licensed person, brought before a Magistrate in pursuance of this section, shall produce his licence for examination, and, if such licence is forfeited, shall deliver it up altogether; and, if such person wilfully neglects or refuses to produce his licence, he shall, in addition to any other penalty under this section, be liable, on summary conviction, to a penalty not exceeding \$500. (*Amended by Act 4 of 2003*)

Constables may search premises

9. (1) Any constable may, under the circumstances hereafter in this section mentioned, be authorized in writing by a Chief officer of police to enter, and if so authorized, may enter any house, shop, warehouse, yard, or other premises, in search of stolen property, and search, and seize and secure any property he may believe to have been stolen, in the same manner as he would be authorized to do if he had a search warrant, and the property seized, if any, corresponded to the property described in such search warrant.

(2) In every case in which any property is seized in pursuance of this section, the person on whose premises it was, shall, unless previously charged with handling the same knowing it to have been stolen, be summoned before a Magistrate to account for his possession of such property, and such Magistrate shall make such order respecting the disposal of the property and may award such costs as the justice of the case may require. (*Amended by Act 12 of 1983*)

(3) It shall be lawful for any Chief officer of police to give such authority as aforesaid in the following case, or either of them—

- (a) when the premises to be searched have been, within the preceding twelve months, in the occupation of any person who has been convicted of receiving stolen property, or of harbouring thieves; or
- (b) when the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by imprisonment,

and it shall not be necessary for such Chief officer of police on giving such authority, to specify any particular property, but he may give such authority if he has reason to believe generally that such premises are being made a receptacle for stolen goods.

Evidence against persons having received stolen property

10. (1) Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceedings taken against him.

(2) Where proceedings are taken against any person for having received goods knowing them to be stolen, or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession, then, if such person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of such previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property, which was proved to have been in his possession, to have been stolen:

Provided that not less than seven days' notice in writing shall have been given to the person accused, that proof is intended to be given of such previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction.

Any person may apprehend

11. It shall be lawful for any person whatsoever to apprehend the person who shall be found committing any indictable offence in the night, and to convey him, or deliver him to some constable or other peace officer in order to his being conveyed, as soon as conveniently may be, before a Magistrate to be dealt with according to law.

Punishment for assaulting persons apprehending others

12. If any person, liable to be apprehended under the provisions of this Act, shall assault, or offer any violence to, any person by law authorized to apprehend or detain him, or to any person acting in his aid and assistance, every such offender shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, for any term not exceeding three years.

Night

13. The time at which the night shall commence and conclude, in any offence against the provisions of this Act, shall be the same as in cases of burglary.

Expenses of prosecution to be allowed

14. In all prosecutions for any offence against the provisions of this Act, it shall be lawful for the Court, before which any such offence shall be prosecuted or tried, to allow the expenses of the prosecution, in all respects, as in cases of felony.

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