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**CHAPTER 339****THE PREVENTION OF CRIMES ACT**

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## PREVENTION OF CRIMES

(18th June, 1874.)

S.R.O. 2

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

**2.** In this Act— **Interpretat**

"Chief officer of police" means the Commissioner of Police, and shall include any Deputy Commissioner of Police, Assistant Commissioner of Police, Superintendent, Assistant Superintendent, Inspector or subordinate police officer;

"crime" means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiring to defraud;

"offence" means any act or omission which is not a crime as defined by this Act, and is punishable on indictment or summary conviction.

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

**4.** (1) Every person who shall do any one or more of the following acts, that is to say— **Offences m punishable.**

(a) use violence to any person or any property;

(b) threaten or intimidate any person in such a manner as would justify a Magistrate, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace;

(c) molest or obstruct any person in manner defined by this section with a view to coerce such person;

shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding two hundred and fifty dollars, or to be imprisoned for any term not exceeding three months.

(2) A person shall, for the purposes of this Act, be deemed to molest or obstruct another person in any of the following cases, that is to say—

(a) if he persistently follow such person about from place to place;

(b) if he hide any tools, clothes, or other property, owned or used by such person, or deprive him of, or hinder him in, the use thereof;

(c) if he watch or beset the house, or other place, where such person resides, or works, or comes on business, or happens to be, or the approach to such house or place, or if, with two or more other persons, he follow such person in a disorderly manner in or through any street or road.

(3) Nothing in this section shall prevent any person from being liable under any other Act, or otherwise, to any other, or higher, punishment than is provided for any offence by this section, so that no person be punished twice for the same offence:

Provided that no person shall be liable to any punishment for doing, or conspiring to do, any act on the ground that such act restrains, or tends to restrain, the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing, as hereinbefore mentioned.

**Punishment of persons previously convicted.**

**5.** (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; or

(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; or

(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 parcel 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) (4) 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.**

**6.** 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.**

**7.** Every person subject to the supervision of the police, who is at large in Antigua and Barbuda, 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.**

**8.** If any person, subject to the supervision of the police, who is at large in Antigua and Barbuda, remains in any place for forty-eight 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.

**Indictments under this Act.**

Cap. 213.

Cap. 117.

**9.** The provisions contained in the Indictments Act, in relation to the form of, and the provisions contained in the Criminal Procedure Act in relation to the proceeding upon, an indictment for any indictable offence committed after a previous conviction or convictions for any felony, misdemeanours, or offence or offences punishable upon sum-

mary conviction, shall, with the necessary variations, apply to any indictment for committing a crime as defined by this Act, after previous conviction for a crime, whether the crime charged in such indictment, or the crime to which such previous conviction relates, be or be not punishable under the said Act.

**10.** (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 five hundred dollars, 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 ninety-six dollars.

(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 con-

Offences against this Act.

Licence may be forfeited.

victions, 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.

**Penalty for refusing to produce licence.**

(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 two hundred and fifty dollars.

**Offences against this Act.**

**11.** Every person who occupies or keeps a brothel, and knowingly lodges, or knowingly harbours, thieves, or reputed thieves, or knowingly permits, or knowingly suffers, them to meet or assemble in any premises occupied by him, or knowingly allows the 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 five hundred dollars 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, as in the Act described.

**Offences against this Act.**

**12.** Every suspected person, or reputed thief, frequenting any dock or basin, or any quay, wharf or warehouse, near or adjoining thereto, or any street, highway or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway or any place adjacent to a street or highway, with intent to commit a felony, shall be guilty of an offence against this Act and shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three months. In proving the intent to commit a felony, it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case, and from his known character as proved to the Magistrate before whom he is brought, it appears to such Magistrate that his intent was to commit a felony.

**13.** (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.

Constables may search premises.

(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 receiving 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.

(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.

**14.** (1) A previous conviction may be proved, in any legal proceeding whatever against any person, by producing a record or extract of such conviction, and by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or extract of conviction to have been convicted.

How previous conviction may be proved.



(2) A record or extract of a conviction shall, in the case of an indictable offence, consist of a certificate, containing the substance and effect only (omitting the formal part of the indictment and conviction), and purporting to be signed by the clerk of the Court, or other officer, having the custody of the records of the Court by which such conviction was made or purporting to be signed by the deputy of such clerk or officer; and, in the case of a summary conviction, shall consist of a copy of the minutes or memorandum of the conviction entered in the register required to be kept under the provisions of the Magistrate's Code of Procedure Act, purporting to be signed by the Magistrate by whom or by whose clerk such register is kept, or purporting to be signed by such clerk.

Cap. 255.

(3) A record or extract of any conviction made in pursuance of this section shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

(4) A fee, not exceeding one dollar and twenty cents, may be charged for a record of a conviction given in pursuance of this section.

(5) The mode of proving a previous conviction authorized by this section shall be in addition to and not in exclusion of any other authorized mode of proving such conviction.

Evidence against persons having received stolen property.

**15.** (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.

**16.** This Act shall not affect the infliction of capital punishment in any case where capital punishment would have been inflicted if this Act had not been passed. Saving as to capital punishment.

**17.** 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. Any person may apprehend.

**18.** 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. Punishment for assaulting persons apprehending others.

**19.** 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. Night.

**20.** 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. Expenses of prosecution to be allowed.