

**CHAPTER 407**

## THE SMALL TRESPASS ACT

## Arrangement of Sections

## Section

1. Short title.
2. Interpretation.
3. Magistrates' jurisdiction ousted when question of title involved.
4. Magistrates to have civil jurisdiction in certain cases of trespass.
5. Magistrate may order restitution of property wrongfully detained or its value up to \$100.
6. Trespass to land.
7. Trespass to land by animals.
8. Common law of England to apply.

## SMALL TRESPASS

*(1st March, 1892.)*

12/1891.  
23/1932.  
S.R.O. 22/1956.  
17/1961.

**1.** This Act may be cited as the Small Trespass Act.

**Short title.**

**2.** In this Act—

**Interpretation.**

"animal" means any camel, horse, mule, ass, ox, sheep, goat or swine and includes feathered stock;

"feathered stock" means fowls, turkeys, peafowls, ducks, geese and guinea birds.

Magistrates' jurisdiction ousted when question of title involved.

**3.** Nothing in this Act shall give jurisdiction to any Magistrate to decide any matter where a *bonâ fide* question of title to land or of a right of way or other easement is involved and when a Magistrate trying a case under this Act is satisfied that such question as aforesaid is involved he shall abstain from giving any decision thereon and may either dismiss the case or adjourn it until such question as aforesaid has been decided by a competent Court according as to him may seem just.

Magistrates to have civil jurisdiction in certain cases of trespass.

**4.** (1) A Magistrate shall have jurisdiction to try and determine civil claims in respect of the following matters—

(a) Where any personal property the value of which does not exceed one hundred dollars is unlawfully detained by any person;

(b) Where any person commits a trespass to land;

(c) Where any animal causes any damage by trespassing on any land and the amount of damage alleged to have been done does not exceed one hundred dollars.

Cap. 255.

(2) Except as in this section otherwise provided the provisions of the Magistrate's Code of Procedure Act relating to civil proceedings shall apply to all matters brought before a Magistrate under this section:

Provided that any judgment or order given or made in any such civil claim as aforesaid shall be enforced in the manner provided by the said Act for the enforcing of the payment of a fine or of an order made on complaint.

Magistrate may order restitution of property wrongfully detained or value up to \$100.

**5.** Where any personal property as aforesaid is detained as aforesaid the Magistrate may order the restoration of the same to the person having the right to the possession of the same or he may give judgment for the value of the same to an amount not exceeding one hundred dollars.

Trespass to land.

**6.** Where any person has committed a trespass to land the Magistrate may give judgment in respect of such trespass for an amount by way of damages not exceeding one hundred dollars.

---

**7.** Where any animal causes any damage by trespassing on any land the Magistrate may give judgment in respect of such trespass for an amount not exceeding one hundred dollars. **Trespass to land by animals.**

**8.** All trespasses to personal property or to land except where otherwise provided by this Act or any other Act shall be governed by the common law of England. **Common law of England to apply.**

---