
CHAPTER 89**VAGRANCY****ARRANGEMENT OF SECTIONS**

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CHAPTER 89

VAGRANCY

An Act to control vagrants and for purposes related thereto. *22 cf 1939
43 cf 1964
18 cf 1965*

[Commencement 27th February, 1939] *66 cf 1965
5 cf 1987*

1. This Act may be cited as the Vagrancy Act. *Short title*

2. (1) In this Act the expression “the magistrate” shall include every person exercising the judicial powers of a magistrate under the provisions of the Magistrates Act. *Interpretation
66 of 1965, s. 2
Ch 54*

(2) In this Act “public place” means any cartway, court, field, footway, highway, pathway, passage, passageway, wharf, place of public resort, road and streets.

3. Any person who commits any of the offences specified in the First Schedule to this Act and who is convicted by the magistrate of any such offence shall be deemed a vagrant and shall be liable to a fine of twenty dollars or to imprisonment for two months. *Vagrants
First Schedule,
5 cf 1987, Sch*

4. Any person who commits any of the offences specified in the Second Schedule to this Act and who is convicted by the magistrate of any such offence shall be deemed a rogue and vagabond and be liable to a fine of fifty dollars or to imprisonment for four months. *Rogues and
vagabonds
Second Schedule,
5 cf 1987, Sch*

5. Any person who commits any of the offences specified in the Third Schedule to this Act and who is convicted of any such offence by the magistrate shall be deemed an incorrigible rogue and be liable to imprisonment for one year. *Incorrigible
rogue
Thrd Schedule*

6. (1) It shall be lawful for a peace officer to arrest without warrant any person who shall be found offending against this Act. *Arrest*

(2) Any person so arrested shall forthwith be brought before the magistrate for trial.

Saving.
Ch. 84.

7. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Penal Code or any other Act:

Provided however that no person shall in respect of the same offence be punished under this Act and also under the Penal Code or any other Act.

Application.
66 cf 1965, s 4

8. This Act shall apply throughout The Bahamas.

FIRST SCHEDULE (Section 3.)

VAGRANTS

66 cf 1965, s 5

1. Being a person who, being able to work or by other lawful means to maintain himself or his family whom he or she may be legally bound to maintain, such person or family being without other means of support, refusing or neglecting so to do.

66 cf 1965, s 5

2. Being a common prostitute, loitering or soliciting in a street or public place for the purpose of prostitution.

66 cf 1965, s 5
Ch. 97.

3. Being a person wandering abroad or placing himself in any public place to beg or gather alms or cause or procure or encourage any child or young person, within the meaning of the Children and Young Persons Act, so to do.

4. Being a person who pretends or professes to tell fortunes.

18 cf 1965, Sch

5. Being a person who plays or bets (otherwise than in accordance with the provisions of any law for the time being in force permitting gaming) in any public place at any game or pretended game of chance or with any instrument of gaming.

SECOND SCHEDULE (Section 4)

ROGUES AND VAGABONDS

1. Being a person committing any of the offences mentioned in section 3 of this Act after having been deemed a vagrant.

2. Being a person lying, sleeping, or loitering in, upon or under any verandah, gallery, barn, out-house, passageway, cartway, or building wholly or in part unoccupied, and not being able to give a satisfactory account of himself.

3. Being a person found in or under any cart, carriage, vessel, aircraft or on or under any wharf, jetty, bridge, footway or any public place not being able to give a satisfactory account of himself or who refuses to leave or move therefrom when requested so to do by any peace officer or by any person in charge of such wharf, jetty, bridge or footway or public place or such car, carriage, vessel or aircraft.

4. Being a person found in, upon or under any dwelling house, warehouse, coach house, stable, garage or out-house or in any enclosed yard or garden and not being able to give a satisfactory account of himself or who is found there for the purpose of committing some offence, either in that place or at some other place.

5. Being a suspected person or reputed thief frequenting or loitering in or about any place, public or private, with intent to commit an offence:

Provided that in proving the intent to commit an offence as referred to in paragraphs 4 and 5 of this Schedule it shall not be necessary to prove 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 court it appears to the court that his intent was to commit an offence.

6. Being a person exposing to view in any public place any obscene print, picture or other indecent exhibition.

7. Being a person wilfully, openly, lewdly or obscenely exposing his person in any street, road or public highway or in view thereof or in any place of public resort or with intent to insult any female.

8. Being a person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain or gather alms.

9. Being a person procuring or endeavouring to procure a charitable contribution of any nature or kind under false or fraudulent pretence.

THIRD SCHEDULE (Section 5)

INCORRIGIBLE ROGUES

1. Being a person committing any of the offences mentioned in section 4 of this Act after having been deemed a rogue and vagabond.

2. Being a person having in his control or possession any picklock, key, jackbit, and other implements with intent to commit an indictable offence.

3. Being a person armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon or any instrument with intent to commit any felonious act.

4. Being a person apprehended as a vagrant or rogue and vagabond and violently resisting any peace officer so apprehending him and being subsequently convicted of the offence for which he shall have been so apprehended.