

THE PUBLIC STORES ACT

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SCHEDULE

THE PUBLIC STORES ACT

Cap. 327.
Act
42 of 1969
3rd Sch.

[25th March, 1915.]

1. This Act may be cited as the Public Stores Act. Short title.

2. In this Act— Interpreta-
tion.
 - “Secretary of State” means one of Her Majesty’s Principal Secretaries of State;
 - “the Admiralty” means the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of Lord High Admiral;
 - “stores” includes all goods and chattels and any single store or article;
 - “dealer in marine stores” means any person dealing in, buying, or selling, any of the articles following, that is to say, anchors, cables, sails, old junks, or old iron, or other marine store of any kind.

3. This Act shall apply to all stores under the care, superintendence or control of a Secretary of State or the Admiralty, or any public department or office, or of any person in the service of Her Majesty, and such stores are in this Act referred to as Her Majesty’s stores. The Secretary of State, Admiralty, public department, office, or person having the care, superintendence, or control of such stores are hereinafter in this Act included in the expression “public department”. Stores to
which the
Act applies.

4. The marks described in the Schedule may be applied in or on stores therein described in order to denote Her Majesty’s property in stores so marked, and it shall be lawful for any public department, and the contractors, officers, Marks in
Schedule.

and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Obliteration with intent to conceal.

42/1969
3rd Sch.

5. If any person with intent to conceal Her Majesty's property in any stores takes out, destroys, or obliterates wholly or in part, any such mark as aforesaid, or any mark whatsoever denoting the property of Her Majesty in any stores he shall be guilty of felony, and shall on conviction thereof be liable to be imprisoned for any term not exceeding seven years with or without hard labour.

Power to stop suspected boats, persons, etc.

6. Any constable may, if deputed by a public department or by an officer of the Jamaica Constabulary Force, stop, search, and detain any vessel, boat or vehicle in or on which there is reason to suspect that any of Her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained.

A constable shall be deemed to be deputed by a public department within the meaning of this section if he is deputed by any writing signed by the person who is the head of such department, or who is authorized to sign documents on behalf of such department.

Unlawful possession of Her Majesty's stores.

7. If any person is brought before a Court of Petty Sessions charged with conveying or with having in his possession or keeping any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the Court how he came by the same, he shall be liable, on summary

conviction, to a penalty not exceeding ten dollars, or to be imprisoned for a term not exceeding six months, with or without hard labour.

8. It shall not be lawful for any person, without permission in writing from a public department, or from some person authorized by a public department in that behalf (proof of which permission shall lie on the party accused), to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessel, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, victualling, or other yards, or within one thousand yards from any battery or fort used for the practice of artillery either by the Royal Artillery or by militia or volunteer artillery, or in or on any part of the spaces or distances, whether covered with water or not, from time to time marked out as ranges for artillery practice for the use of Her Majesty's ships, or marked out and appropriated for ranges under the provisions of the Lands (Naval and Military) Law, relating to Artillery and Rifle Ranges.

Prohibition of sweeping, etc., near dock-yards, artillery ranges, etc.

Cap. 209 (1953 Edtn. now Omitted).

Penalty.

If any person acts in contravention of this provision he shall be liable, on summary conviction, to a penalty not exceeding ten dollars, or to be imprisoned for a term not exceeding six months, with or without hard labour.

9. If stores are found in the possession or keeping of a person being in Her Majesty's Service, or in the service of a public department, or being a dealer in marine stores or in old metals, or a pawnbroker within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers, and he is taken or summoned before a Court of Petty Sessions, and the Court

Penalty on dealer, etc., found in possession of stores and not accounting for them.

sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the Court, that he came lawfully by the stores so found, he shall be liable, on summary conviction, to a penalty not exceeding ten dollars, or to be imprisoned for a term not exceeding six months, with or without hard labour.

Criminal possession explained.

10. For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Incorporation of certain sections of Larceny Act.

11. The following sections of the Larceny Act shall be incorporated with this Act, and shall, for the purposes of this Act be read as if they were here re-enacted, namely, sections 57 and 66; and for this purpose the expression "this Act" when used in the said incorporated sections shall be taken to include the present Act.

This Act not to apply to stores issued as regimental necessaries, etc.

12. The provisions of this Act relative to the taking out, destroying, or obliterating of marks, or to the having in possession or keeping Her Majesty's stores, shall not apply to stores issued as regimental necessaries or otherwise for any soldier, militiaman, or volunteer; but nothing herein shall relieve any person from any obligation or liability to which he may be subject under any other enactment in respect of any such stores.

Penalty or other money recovered to be applied as Minister shall direct.

13. Notwithstanding anything in any enactment contained, any pecuniary penalty or other money recovered under this Act shall be paid or applied as the Minister shall direct.

14. Nothing in this Act contained shall prevent any person from being indicted under this Act, or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable, under any other enactment or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Proceedings prescribed by this Act alternative to other proceedings.

15. A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions or of a public department.

Prosecution not to be without consent of Director of Public Prosecutions.

PUBLIC STORES

SCHEDULE

(Section 4)

Marks appropriated for use in or on Her Majesty's Stores

<u>STORES</u>	<u>MARKS</u>
Hempden cordage and wire rope.	White, black or coloured worsted threads laid up with the yarns and the wire respectively.
Canvas, fearnought, hammocks, and seamen's bags.	A blue line in a serpentine form.
Bunting	A double tape in the warp.
Candles	Blue or red cotton threads in each wick or wicks of red cotton.
Timber or metal Any stores not before enumerated, whether similar to the above or not.	The name of Her Majesty, her predecessors, her heirs or successors or of any public department, or any branch thereof, or the broad arrow or a crown, or Her Majesty's arms, whether such broad arrow, crown, or arms be alone, or be in combination with any such name as aforesaid, or with any letters denoting any such name.