

THE RIOT ACT

ARRANGEMENT OF SECTIONS

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## THE RIOT ACT

[1857.]

Cap. 344.  
Act  
42 of 1969  
3rd Sch.

1. This Act may be cited as the Riot Act.

Short title.

PART I. *Riot*

2. If any persons, to the number of twelve or more, being unlawfully, riotously and tumultuously assembled together to the disturbance of the public peace at any time after the passing of this Act, and being required or commanded by any one or more Justice or Justices of the parish or place where such assembly shall be, by proclamation to be made in the Queen's name, in the form hereinafter directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more, notwithstanding such proclamation made, unlawfully, riotously and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, then such continuing together to the number of twelve or more after such command or request made by proclamation shall be adjudged felony, and the offenders therein shall, upon conviction, be liable at the discretion of the Court to be imprisoned for life with or without hard labour.

Persons to  
the number  
of twelve  
riotously  
assembling.42/1969  
3rd Sch.

3. The order and form of the proclamation that shall be made by the authority of this Act shall be as hereafter follows, that is to say, the Justice, shall, among the said rioters, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to

Order and  
form of such  
proclama-  
tion.

be while proclamation is making, and after that shall openly, and with a loud voice, make, or cause to be made, proclamation in these words or like in effect: **“Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Riot Act—God Save the Queen.”** And every such Justice within the limits of his jurisdiction, is hereby authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous and tumultuous assembly shall be of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner aforesaid.

Persons riotously assembling and refusing to disperse within one hour after proclamation.

4. If such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid, shall continue together, and not disperse themselves within one hour, then it shall and may be lawful to and for every Justice of the parish where such assembly shall be, and also to and for every Constable within such parish, and to and for such other person or persons as shall be commanded to be assisting unto such Justice aforesaid, who are hereby authorized and empowered to command all Her Majesty’s subjects of age and ability to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously, and tumultuously continuing together after proclamation made as aforesaid, and forthwith carry the persons so apprehended before one or more of Her Majesty’s Justices of the parish, where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and if the persons so unlawfully, riotously, and tumultuously

assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, then every such Justice or Constable, and all and singular persons being aiding and assisting to them, or any of them, shall be free, indemnified, and discharged, as well against the Queen's Majesty, her heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled that shall happen to be so killed, maimed or hurt as aforesaid.

5. If any persons do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person that shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, then every such opposing, obstructing, letting, hindering, or hurting such person so beginning or going to make such proclamation as aforesaid shall be adjudged felony, and the offenders therein shall be adjudged felons, and shall be liable to be imprisoned for life with or without hard labour; and also every such person or persons so being unlawfully, riotously, and tumultuously assembled, to the number of twelve as aforesaid or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall likewise, in case they or any of them to the number of twelve or more shall continue together and not disperse themselves within one hour after such let or hindrance so made, having knowledge of such let or hindrance so made, shall be adjudged guilty of felony,

Obstructing  
by force the  
reading of  
proclama-  
tion declared  
felony.

42/1969  
3rd Sch.

and shall be liable to be imprisoned for life with or without hard labour.

This Part  
to be read at  
every Circuit  
Court.

6. This Part shall be openly read at every Circuit Court throughout the year.

Limitation  
on period  
for  
prosecution.

7. No person shall be prosecuted by virtue of this Part for any offence committed contrary to the same, unless such prosecution be commenced within six months after the offence committed.

## PART II. *Riot Damage Compensation*

Compensa-  
tion for riot  
damage.

8. Where any machinery, or any house, shop or building, (including any premises appurtenant to the house, shop or building) has, wholly or partly, been demolished or pulled down by persons riotously and tumultuously assembled together, compensation shall be payable subject to, and in accordance with, the provisions of this Act.

Persons to  
whom com-  
pensation  
may be  
paid.

9.—(1) The compensation provided for by this Act shall be payable, in proper cases, to persons who prove to the satisfaction of the Authority established by the provisions of section 10, that they have sustained loss by any such demolition or pulling down.

(2) Without prejudice to anything in this Act contained, in any case where the building which has been demolished or pulled down is either a building used for religious worship, or a school or parochial building, the following shall respectively be deemed to be the persons who may claim to have sustained loss from, and to be entitled to the payment of, compensation in respect of such demolition or pulling down—

- (a) the persons having the management, or in whom is vested the legal estate of, any building used for religious worship;
- (b) the persons having the control, or in whom is vested the legal estate of, any school or parochial building.

(3) Payment made by the Authority to any one or more of the persons referred to in paragraphs (a) and (b) of subsection (2) in respect of such claims made by them shall operate as an absolute discharge of the liability of the Authority for payment of compensation.

10.—(1) There is hereby established in every parish in the Island a Riot Compensation Authority (in this Act referred to as “the Authority”) for the purposes of this Act, and in each parish the Authority shall be constituted by—

Riot Com-  
pensation  
Authority.

- (a) the Resident Magistrate (who shall be the Chairman); and
- (b) the Chairman of the Parish Council; and
- (c) the Collector of Taxes for the parish:

Provided that in the case of the parishes of Kingston and St. Andrew, the Mayor shall be substituted for the Chairman of the Parish Council:

Provided further that the Minister, at any time, may appoint a fit and proper person to act for the Chairman or for a member of an Authority, when it is impossible or undesirable for such Chairman or member to exercise his functions in connection with the Authority, by reason of his absence, or of his interest in any claim under this Act, or for any other good cause.

(2) The Clerk of the Court of the Resident Magistrate shall in each case be the clerk of the Authority.

(3) The procedure of every Authority shall be governed by the provisions of this Act, and of any regulations made under this Act, but, save where express provision is so made, every Authority shall regulate its own procedure.

Powers and liability of Authorities.

**11.—**(1) Every Authority may sue and be sued under the name of the Authority.

(2) No personal liability shall attach to any Authority (or any member thereof), and every judgment recovered against an Authority shall be satisfied in accordance with the provisions of this Act.

Claims.

**12.** All claims for compensation under this Act shall be made in writing, in accordance with the provisions of this Act and of any regulations made thereunder, to the Authority for the parish in which the demolition or pulling down has taken place, within twenty-one days of the loss.

Procedure in regard to claims.

**13.—**(1) Every Authority to whom a claim is made under this Act, shall enquire into the truth and circumstances of the claim and may, in proper cases, award and pay such sum of money by way of compensation as to a majority of the Authority may seem just.

(2) Every Authority shall have power, when enquiring into any claim, and in relation to any claim—

- (a) to require the claimant to supply such particulars as the Authority may deem necessary;
- (b) to call for verification, by Statutory Declaration or otherwise, of statements adduced in support of any claim;

- (c) to require the production of books and documents and vouchers;
- (d) to enter upon and inspect any premises;
- (e) to take steps to obtain such information and assistance as they deem necessary for determining the claim.

(3) In considering the award of any compensation under this Act, the Authority, in every case, shall have regard to the conduct of the person who claims the compensation as respects—

- (a) the precautions taken by such person to safeguard his property; and
- (b) any provocation offered by such person to any persons riotously or tumultuously assembled; and
- (c) such person having been a party or accessory to the riotous and tumultuous assembly.

(4) Notwithstanding anything in this Act contained, where under the provisions of subsection (1) compensation has been awarded to any person, and it appears to the Authority that such person is entitled by way of insurance (or otherwise than by way of compensation under this Act) to be recouped, in whole or in part, for the loss in respect of which the compensation has been awarded, the Authority shall—

- (a) make no payment of the compensation, in cases where the sum in which such person is entitled to be recouped equals or exceeds the amount of the compensation awarded;
- (b) in all other cases, before paying the amount awarded as compensation, deduct therefrom an amount equal to the sum in which such person is entitled to be recouped.



Power of  
claimant to  
sue  
Authority.

**14.—(1)** Where any person who claims compensation under the provisions of this Act and of any regulations made thereunder, is aggrieved either by—

(a) the refusal or failure of the Authority to award compensation on his claim; or

(b) the amount of the compensation so awarded, he may sue the Authority concerned for the purpose of recovering compensation in respect of the matters contained in his claim for an amount not exceeding the sum therein claimed.

(2) Where the amount of compensation sued for under the provisions of this section does not exceed the sum of two hundred dollars, the action may be brought in the Court of the Resident Magistrate of the parish in which the loss to which the claim relates took place, or in the Court of the Resident Magistrate of an adjoining parish (upon which Court jurisdiction is hereby conferred).

(3) Where, in any action brought under the provisions of this section, the plaintiff fails to recover any compensation, or fails to recover a sum which exceeds the amount of compensation which has been awarded by the Authority, the plaintiff shall pay the costs of the Authority incurred in connection with the action and, in every such case, such costs shall be paid as between solicitor and client.

Compensa-  
tion to be  
paid out of  
the  
Consolidat-  
ed Fund.

**15.** All compensation payable under the provisions of this Act, (whether such compensation be awarded by an Authority or by a Court), and all costs awarded against an Authority in any action under this Act, shall be charged upon and made payable from and out of the Consolidated Fund.

16. The Minister may make, (and when made may re-  
voke and vary) regulations governing the practice and pro-  
cedure of Authorities, and prescribing the forms to be used  
in making claims under the provisions of this Act.

Regulations.

17. Notwithstanding anything in this Act contained,  
none of the provisions of this Part shall apply in any case  
where a riot, or riotous or tumultuous assembly amounts  
to rebellion.

Saving in  
cases of  
rebellion.