

JAMAICA

No. 29-2005

I assent,

[L.S.]

(sgd) H.F. Cooke
Governor-General.
24th November, 2005

AN ACT to Amend the Larceny Act.

[25th November, 2005]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the Authority of the same, as follows:—

1. This Act may be cited as the Larceny (Amendment) Act, 2005, and shall be read and construed as one with the Larceny Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title and construction.

2. The principal Act is amended by inserting next after section 42, the following as section 42A—

Insertion of new section 42A in principal Act.

"Extortion. 42A.—(1) Every person who—

- (a) with a view to gain for himself or another;
or
- (b) with intent to cause loss to another,

makes any unwarranted demand with menaces, shall be guilty of the offence of extortion.

(2) For the purposes of this section—

(a) a demand with menaces is unwarranted unless the person making the demand, satisfies the Court that—

(i) he has reasonable grounds for making the demand; and

(ii) the use of the menaces is a proper means of reinforcing the demand;

(b) “gain” and “loss” mean a gain or loss, respectively, in money or other property, including an office or employment, whether or not for remuneration, whether temporary or permanent and, for the purposes of this definition—

(i) “gain” includes a gain by keeping what one has, and a gain by getting what one has not; and

(ii) “loss” includes a loss by not getting what one might get and a loss by parting with what one has;

(c) the nature of the act or omission demanded is immaterial and it is also immaterial whether or not the menaces relate to action to be taken by the person making the demand.

(3) A person who commits an offence under subsection (1) shall be liable—

(a) on conviction before a Resident Magistrate to imprisonment with hard labour for a term not exceeding five years;

(b) on conviction in a Circuit Court to imprisonment for a term not exceeding fifteen years.”.

3. Sections 43 to 45 of the principal Act are hereby repealed.

Repeal of sections 43 to 45 of principal Act.

Passed in the Senate this 23rd day of September, 2005.

SYRINGA MARSHALL-BURNETT, C.D.

President.

Passed in the House of Representatives this 1st day of November, 2005.

MICHAEL PEART

Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.