

JAMAICA

No. 10—2000

I assent,

[L.S.]

H. F. COOKE,  
*Governor-General.*

24th day of July, 2000.

AN ACT to Amend the Trespass Act.

[ 25th July, 2000 ]

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 Trespass (Amendment) Act, 2000, and shall be read and construed as one with the Trespass Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and con-  
struction.

2. Subsection (2) of section 2 of the principal Act is amended—

Amendment  
of section  
2 of prin-  
cipal Act.

- (a) by deleting the words “two thousand” from paragraph (a) and substituting therefor the words “forty thousand”;

- (b) by deleting the words “one thousand” from paragraph (b) and substituting therefor the words “twenty thousand”.

Amendment  
of section  
3 of prin-  
cipal Act.

3. Section 3 of the principal Act is amended by deleting the words “five hundred dollars, together with the costs of the conviction” and substituting therefor the words “ten thousand dollars or to imprisonment for a term not exceeding six months,”.

Repeal and  
replacement  
of section  
4 of prin-  
cipal Act.

4. Section 4 of the principal Act is repealed and the following substituted therefor—

“Trespass  
for pur-  
pose of  
destroy-  
ing trees,  
etc.

4.—(1) A person commits an offence if he trespasses upon any unenclosed land for the purpose of—

- (a) damaging or destroying any tree;
- (b) cutting wood or grass; or
- (c) stealing and taking or carrying away any fruit or root used as food for human beings or animals.

(2) A person commits an offence if he fixes or places upon any pole, tree or land, without the consent of the proprietor or occupier of that land, any spring trap or other engine, instrument or contrivance, designed to capture, destroy or cause bodily injury to any bird coming into contact therewith.

(3) Any person who commits an offence under subsection (1) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or three times the value of the damage done during the course of the trespass, whichever is the greater and in default of payment

thereof, to imprisonment for a term not exceeding one year.

(4) A person who commits an offence against subsection (2) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars.”.

5. Section 5 of the principal Act is amended—

Amendment of section 5 of principal Act.

- (a) by deleting the word “gun” and substituting therefor the words “lethal weapon”; and
- (b) by deleting the words “five hundred dollars” together with the costs of the conviction” and substituting therefor the words “ten thousand dollars or to imprisonment for a term not exceeding six months”.

6. Section 6 of the principal Act is amended—

Amendment of section 6 of principal Act.

- (a) by deleting the words “five hundred” and substituting therefor the words “five hundred thousand”; and
- (b) by deleting the words “, together with the costs of conviction”.

7. Sections 10 and 11 of the principal Act are repealed and the following substituted therefor—

Repeal and replacement of sections 10 and 11 of principal Act.

*Entering on Land for Purpose of Hunting, etc.*

Entering on land for purpose of hunting, etc.

10. Any person who commits any trespass by entering upon the premises of any private residence or upon any land without leave of the proprietor, tenant or occupier for the purposes of hunting, shooting, or otherwise, shall be guilty of an offence and liable on

summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars.

*Assault by Trespassers*

Assault,  
etc., by  
trespassers.

11. Any person who, in the act of committing a trespass, shall resist by violence or assault any person occupying private premises or land, or the servant of or any person authorized by, such person, shall be guilty of an offence and liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years."

Amendment  
of section  
15 of prin-  
cipal Act.

8. Section 15 of the principal Act is amended by—

- (a) deleting the words "one thousand" and substituting therefor the words "twenty thousand"; and
- (b) by inserting immediately after the word "greater" the words "and in default of payment thereof, to imprisonment for a term not exceeding three years".

Insertion of  
new section  
17 in prin-  
cipal Act.

9. The principal Act is amended by inserting next after section 16 the following—

"Amendment  
of penal-  
ties.

17. The Minister may by order subject to affirmative resolution, amend any penalty provided under this Act."