

CHAPTER 241

THE LARCENY ACT

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Definitions.
3. (1) "steals".
3. (2) (i) "takes".
3. (2) (ii) "carries away".
3. (2) (iii) "owner",
"property".
3. (3)
3. (3) (a) "fixtures".
3. (3) (b) "wild animals".
4. Simple larceny.
5. Larceny of cattle.
6. Killing animals with intent to steal.
7. Larceny, etc., of dogs.
8. Larceny of wills.
9. Larceny of documents of title to land, etc.,
10. Taking, destroying, etc., documents for a
fraudulent purpose.
11. Damaging fixtures with intent to steal.
12. Praedial larceny.
13. Larceny of goods in process of manufacture.
14. Larceny in dwelling houses.
15. Larceny from the person.
16. Larceny from ships, docks, etc.
17. Larceny of aircraft or vessel.
18. Unauthorized use of aircraft or vessels.
19. Larceny by tenants or lodgers.
20. Larceny and embezzlement by clerks or
servants.
21. Conversion.
22. Conversion by trustee.

Section

- 23. Factors obtaining advances on the property of their principals.
 - 24. Fraud by directors, etc.
 - 25. Falsification of accounts.
 - 26. Personation with intent to obtain land, etc.
 - 27. False pretences.
 - 28. Sacrilege.
 - 29. Burglary.
 - 30. Housebreaking and committing felony.
 - 31. Housebreaking with intent to commit felony.
 - 32. Being found by night armed or in possession of housebreaking implements.
 - 33. Robbery.
 - 34. Demanding money, etc., with menaces.
 - 35. Demanding with menaces, with intent to steal.
 - 36. Threatening to publish, with intent to extort.
 - 37. Receiving.
 - 38. Corruptly taking a reward.
 - 39. Procedure.
 - 40. General deficiency.
 - 41. Accessories and abettors.
 - 42. Husband and wife.
 - 43. Arrest without warrant.
 - 44. Search warrants.
 - 45. Compulsory disclosure in civil action or bankruptcy.
 - 46. Venue.
 - 47. Punishments.
 - 48. Verdict.
 - 49. Restitution.
 - 50. Offences punishable on summary conviction.
-

LARCENY

(13th December, 1944.)

2411944.
3/1954.
S.R.O. 2211956.
3211982.
1211987.
211989.

1. This Act may be cited as the Larceny Act. Short title.
2. (1) In this Act— Interpretation.
 - "aircraft" includes any machine which can derive support in the atmosphere from the reactions of air and is intended for aerial navigation;
 - "document of title to goods" includes any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to;
 - "document of title to lands" includes any Crown grant, certificate of title, instrument, deed, map, roll, register, paper or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any real estate or to any interest in or out of any real estate;
 - "night" means the interval between eight o'clock in the evening and five o'clock in the morning of the next succeeding day;
 - "property" includes any description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title

or right to any property, or giving a right to recover or receive any money or goods, and also includes not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise;

"trustee" means a trustee on some express trust created by some deed, will or instrument in writing, and includes the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust shall have devolved or come, and also an executor and administrator, and an Official Receiver, assignee, liquidator, or other like officer acting under any present or future Act relating to companies or bankruptcy;

"valuable security"⁷ includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of Her Majesty's dominions, or of any foreign state, or in any stock, annuity, fund or debt of any body corporate, company or society, whether within or without Her Majesty's dominions, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order, or other security for payment of money, or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal, and any document of title to lands or goods as hereinbefore defined.

"vessel" includes any ship, boat, hovercraft, lighter or other floating craft used for transport by water.

(2) The expression "dwelling-house" does not include a building although within the same curtilage with any dwelling-house and occupied therewith, unless there is a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from one to the other.

3. For the purposes of this Act—**Definitions.**

(1) a person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof: **“steals”**

Provided that a person may be guilty of stealing any such thing notwithstanding that he has lawful possession thereof, if, being a bailee or part owner thereof, he fraudulently converts the same to his own use or the use of any person other than the owner;

(2) (i) the expression “takes” includes obtaining the possession— **“takes”**.

(a) by any trick;

(b) by intimidation;

(c) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained;

(d) by finding, where at the time of the finding the finder believes that the owner can be discovered by taking reasonable steps;

(ii) the expression “carries away” includes any removal of anything from the place which it occupies, but, in the case of a thing attached, only if it has been completely detached; **“carries away”**.

(iii) the expression “owner” includes any part owner, or person having possession or control of, or a special property in, anything capable of being stolen; **“owner”**.

(3) everything which has value and is the property of any person, and, if adhering to the realty, then after severance therefrom shall be capable of being stolen: **“property”**.

Provided that—

(a) save as hereinafter expressly provided with respect to fixtures and growing things, anything attached to or forming part of the realty shall not be capable of **“fixtures”**.

being stolen by the person who severs the same from the realty, unless after severance he has abandoned possession thereof; and

"wild animals".

(b) the carcase of a creature wild by nature and not reduced into possession while living shall not be capable of being stolen by the person who has killed such creature, unless after killing it he has abandoned possession of the carcase.

Simple larceny.

4. Stealing for which no special punishment is provided under this or any other Act for the time being in force shall be simple larceny and a felony punishable with imprisonment with hard labour for any term not exceeding three years.

Larceny of cattle.

5. (1) Every person who steals any cattle shall be guilty of felony, and on conviction thereof, liable to imprisonment with hard labour for any term not exceeding five years.

(2) Where any person is charged with an offence under subsection (1), such charge may be heard, tried and determined summarily by a Magistrate and on conviction for such offence the Magistrate may sentence the person charged to a fine of three thousand dollars and to imprisonment for a term of twelve months, and upon a subsequent conviction on a similar charge, to a fine of five thousand dollars and to imprisonment for a term of twenty-four months.

(3) In this section, the term "cattle" includes horses, asses, mules, kine, sheep, goats, deer and swine, as well as all horned cattle.

Killing animals with intent to steal.

6. Every person who wilfully kills any animal with intent to steal the carcase, skin, or any part of the animal killed, shall be guilty of felony, and on conviction thereof liable to the same punishment as if he had stolen such animal, if the offence of stealing the animal so killed would have amounted to felony.

Larceny, etc., of dogs.

7. Every person who—

(a) steals any dog after a previous summary conviction of any such offence; or

(b) unlawfully has in his possession or on his premises any stolen dog, or the skin thereof, knowing such dog or skin to have been stolen, after a previous summary conviction of any such offence, or

(c) corruptly takes any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any stolen dog, or any dog which is in the possession of any person not being the owner thereof,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding eighteen months.

8. Every person who steals any will, codicil, or other testamentary instrument, either of a dead or living person, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years. Larceny of wills.

9. Every person who steals the whole or any part of— Larceny of documents of title to land, etc.

(a) any document of title to lands; or

(b) any record, writ, return, panel, petition, process, interrogatory, deposition, affidavit, rule, order, warrant of attorney, or any original document of or belonging to any court of record, or relating to any cause or matter, civil or criminal, begun, depending, or terminated in any such court; or

(c) any original document relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any court of justice, or in any Government building or public office,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

10. Every person who, for any fraudulent purpose, takes and carries away, destroys, damages, or obliterates, the whole or any part of— Taking, destroying, etc., documents for a fraudulent purpose.

(a) any will, codicil, or other testamentary instrument, either of a dead or living person;

(b) any valuable security;

(c) any record, writ, return, panel, petition, process, interrogatory, deposition, affidavit, rule, order, warrant of attorney, or any original document of or belonging to any court of record, or relating to any cause or matter, civil or criminal, begun, depending, or terminated, in any such court; or

(d) any original document relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any court of justice, or in any Government building or public office,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding three years.

**Damaging
fixtures with
intent to steal.**

11. Every person who steals, or, with intent to steal, rips, cuts, severs, or breaks—

(a) any glass or woodwork belonging to any building; or

(b) any metal or utensil or fixture fixed in or to any building; or

(c) anything made of metal fixed in any land being private property, or as a fence to any dwelling-house, garden or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground,

shall be guilty of felony, and on conviction thereof liable to be punished as in the case of simple larceny.

Praedial larceny.

12. (1) Every person who steals, or, with intent to steal, cuts, breaks, roots up, or otherwise destroys or damages, the whole or any part of any tree, sapling, shrub, underwood, plant, root, fruit or vegetable production growing in any place whatsoever shall be guilty of felony, and on conviction thereof liable to be punished as in the case of simple larceny.

(2) Where a person is charged with an offence under subsection (1), such charge may be heard, tried and determined summarily by a Magistrate and on conviction for any

such offence the Magistrate may sentence the person charged to a fine of three thousand dollars and to imprisonment for a term of twelve months, and upon subsequent conviction on a similar charge, to a fine of five thousand dollars and to imprisonment for a term of twenty-four months.

13. Every person who steals, to the value exceeding twenty-four dollars, any goods, articles, or produce, at any stage in the process of manufacture shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Larceny of goods in process of manufacture.

14. Every person who steals in any dwelling-house any chattel, money, or valuable security, shall—

Larceny in dwelling houses.

(a) if the value of the property stolen amounts to five hundred dollars or more; or

(b) if he by any menace or threat puts any person being in such dwelling-house in bodily fear,

be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

15. Every person who steals any chattel, money, or valuable security from the person of another shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Larceny from the person.

16. Every person who steals—

Larceny from ships, docks, etc.

(a) any goods in any vessel, barge, or boat of any description whatsoever, within the territorial sea surrounding Antigua and Barbuda, or in any haven or in any port of entry or discharge, or upon any canal or in any creek or basin belonging to or communicating with any such haven, port, or canal; or

(b) any goods from any dock, wharf, jetty, or quay within Antigua and Barbuda; or

(c) any part of any vessel in distress, wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such vessel,

shall be guilty of felony, and on conviction thereof liable to

imprisonment with hard labour for any term not exceeding seven years.

Larceny of
aircraft or vessel.

17. A person who steals an aircraft or a vessel is guilty of an offence and is liable on summary conviction of a fine of fifteen thousand dollars and to imprisonment for two years, and on conviction on indictment to imprisonment for ten years.

Unauthorised use
of aircrafts or
vessels.

18. (1) A person who, not having lawful authority, uses an aircraft or a vessel without the consent of the owner is guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years, and on conviction on indictment to imprisonment for seven years.

(2) A person shall not be convicted under this section if he proves—

(a) that he has reasonable cause to believe and did in fact believe that the owner of the aircraft or vessel would, had he been present, have consented to the aircraft or vessel being used in the manner in which it was used; or

(b) that he had reasonable cause to believe and did in fact believe that he had lawful authority to use the aircraft or vessel.

(3) Where on the trial of an indictment for stealing an aircraft or vessel, the jury is of the opinion that the defendant is not guilty of stealing the aircraft or vessel but is guilty of an offence under this section, the jury may so find, and the defendant is thereupon liable to punishment under this section.

Larceny by
tenants or
lodgers.

19. Every person who, being a tenant or lodger, or the husband or wife of any tenant or lodger, steals any chattel or fixture let to be used by such person in or with any house or lodging, shall be guilty of felony, and on conviction thereof liable—

(a) if the value of such chattel or fixture exceeds the sum of twenty-four dollars, to imprisonment for any term not exceeding five years; and

(*b*) in all other cases, to imprisonment with hard labour for any term not exceeding two years.

20. Every person who—

Larceny and
embezzlement by
clerks or
servants.

(1) being a clerk or servant or person employed in the capacity of a clerk or servant—

(*a*) steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer; or

(*b*) fraudulently embezzles the whole or any part of any chattel, money or valuable security delivered to or received or taken into possession by him for or in the name or on the account of his master or employer;

(2) being employed in the public service of Her Majesty or being a member of or employed in the police force—

(*a*) steals any chattel, money, or valuable security belonging to or in the possession of Her Majesty or entrusted to or received or taken into possession by such person by virtue of his employment; or

(*b*) embezzles or in any manner fraudulently applies or disposes of for any purpose whatsoever except for the public service any chattel, money, or valuable security entrusted to or received or taken into possession by him by virtue of his employment,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

21. (1) Every person who—

Conversion.

(*a*) being entrusted either solely or jointly with any other person with any power of attorney for the sale or transfer of any property, fraudulently sells, transfers, or otherwise converts the property or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was entrusted; or

(*b*) being a director, member, or officer of any body corporate or public company, fraudulently takes or

applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company; or

(c) being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay, or deliver, for any purpose or to any person, the property or any part thereof or any proceeds thereof, fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; or

(d) having either solely or jointly with any other person received any property for or on account of any other person, fraudulently converts to his own use or benefit or the use or benefit of any other person, the property or any part thereof or any proceeds thereof,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding seven years.

(2) Nothing in paragraphs (c) and (d) of subsection (1) shall apply to or affect any trustee under any express trust created by a deed or will, or any mortgagee of any property, real or personal, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

Conversion by trustee.

22. Every person who, being a trustee of any property for the use or benefit either wholly or partially of some other person, or for any public or charitable purpose, with intent to defraud, converts or appropriates the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than the person entitled thereto, or for any purpose other than such public or charitable purpose, or otherwise disposes of or destroys such property or any part thereof, shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding seven years:

Provided that no prosecution for any offence included in this section shall be commenced—

(a) by any person without the sanction of the Attorney-General;

(b) by any person who has taken civil proceedings against such trustee, without the sanction also of the court or Judge before whom such civil proceedings were heard or are pending.

23. (1) Every person who, being a factor or agent entrusted either solely or jointly with any other person for the purpose of sale or otherwise with the possession of any goods or of any document of title to goods, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted, and in violation of good faith—

Factors obtaining advances on the property of their principals.

(a) consigns, deposits, transfers or delivers, any goods or document of title so entrusted to him as and by way of a pledge, lien, or security, for any money or valuable security borrowed or received or intended to be borrowed or received, by him; or

(b) accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer or deliver any such goods or document of title,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding seven years:

Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering, any such goods or document of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent.

(2) (a) Any factor or agent entrusted as aforesaid and in possession of any document of title to goods shall be deemed to have been entrusted with the possession of the goods represented by such document of title.

(b) Every contract pledging or giving a lien upon such document of title as aforesaid shall be deemed to be a pledge of and lien upon the goods to which the same relates.

(c) Any such factor or agent as aforesaid shall be deemed to be in possession of such goods or documents whether they are in his actual custody or are held by any other person subject to his control, or for him or on his behalf.

(d) Where any loan or advance is made in good faith to any factor or agent entrusted with and in possession of any such goods or document of title on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or document of title, and such goods or document of title are actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title and within the meaning of this section, though such goods or document of title are not actually received by the person making such loan or advance till the period subsequent thereto.

(e) Any payment made whether by money or bill of exchange or other negotiable security shall be deemed to be an advance within the meaning of this section.

(f) Any contract or agreement whether made direct with such factor or agent as aforesaid or with any person on his behalf shall be deemed to be a contract or agreement with such factor or agent.

(g) Any factor or agent entrusted as aforesaid, and in possession of any goods or document of title to goods, shall be deemed, for the purposes of this section, to have been entrusted therewith by the owner thereof, unless the contrary be shown in evidence.

Fraud by
directors, etc.

24. Every person who—

(1) being a director, public officer, or manager, of any body corporate or public company—

(a) as such, receives or possesses himself of any property of such body corporate or public company and, with intent to defraud, omits to make, or causes to be made, a full and true entry thereof in the books and accounts of such body corporate or public company;

(b) makes, circulates, or publishes, or concurs in making, circulating or publishing, any written statement or account which he knows to be false in any material particular—

- (i) with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company; or
- (ii) with intent to induce any person to become a shareholder or partner therein, or to entrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof;

(2) being a director, public officer, manager, or member, of any body corporate or public company with intent to defraud—

(a) destroys, alters, mutilates, or falsifies, any book, paper, writing or valuable security, belonging to such body corporate or public company;

(b) makes or concurs in the making of any false entry, or omits or concurs in omitting any material particular, in any book of account or other document, shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding seven years.

25. Every person who—

Falsification of accounts.

(1) being a clerk or servant or person employed in the capacity of a clerk or servant wilfully and with intent to defraud—

(a) destroys, alters, mutilates, or falsifies, any book, paper, writing, valuable security, or account, belonging to or in the possession of his employer, or received by him for or on account of his employer; or

(b) makes or concurs in making any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from or in such book or any document or account;

(2) being employed in the public service of Her Majesty, or being a member of or employed in the police force—

(a) destroys, alters, mutilates, or falsifies, any book, paper, writing, valuable security, or account, belonging to or in the possession of Her Majesty, or received by him for or on behalf of Her Majesty; or

(b) makes or concurs in making any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from or in any such book or any document or account.

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding five years.

Personation with intent to obtain land, etc.

26. Every person who falsely and deceitfully personates any person, or the heir, executor, administrator, wife, widow, next of kin, or relation, of any person, with intent fraudulently to obtain any land, estate, chattel, money, valuable security, or property, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

False pretences.

27. Every person who, by any false pretence—

(a) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered, to himself or to any person for the use or benefit or on account of himself or any other person; or

(b) with intent to defraud or injure any other person, fraudulently causes or induces any other person—

(i) to execute, make, accept, endorse, or destroy, the whole or any part of any valuable security; or

- (ii) to write, impress, or affix, his name or the name of any other person, or the seal of any body corporate or society, upon any paper or parchment in order that it may be afterwards made or converted into, or used or dealt with as, a valuable security,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding five years.

28. Every person who—

Sacrilege.

(a) breaks and enters any place of divine worship and commits any felony therein; or

(b) breaks out of any place of divine worship having committed any felony therein,

shall be guilty of felony called sacrilege, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

29. Every person who in the night—

Burglary.

(a) breaks and enters the dwelling-house of another with intent to commit any felony therein; or

(b) breaks out of the dwelling-house of another, having—

(i) entered such dwelling-house with intent to commit any felony therein; or

(ii) committed any felony in such dwelling-house,

shall be guilty of felony called burglary, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding fifteen years.

30. Every person who—

**Housebreaking
and committing
felony.**

(a) breaks and enters any dwelling-house, or any building within the curtilage thereof and occupied therewith, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, workshop, or other building, or any building belonging to Her Majesty, or to any Government department,

or to any municipal or other public authority, and commits any felony therein; or

(b) breaks out of any such place, having committed any felony therein,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years and on summary conviction to imprisonment for a term not exceeding two years.

Housebreaking
with intent to
commit felony.

31. Every person who, with intent to commit any felony therein—

(a) enters any dwelling-house in the night; or

(b) breaks and enters any dwelling-house, place of divine worship, or any building within the curtilage thereof, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, workshop, or other building, or any building belonging to Her Majesty, or to any Government department, or to any municipal or other public authority,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years and on summary conviction to imprisonment for a term not exceeding eighteen months.

Being found by
night armed or
in possession of
housebreaking
implements.

32. Every person who shall be found by night—

(a) armed with any dangerous or offensive weapon or instrument. with intent to break or enter into any building and to commit any felony therein; or

(b) having in his possession without lawful excuse (the proof whereof shall lie on such person) any key, picklock, crow, jack, bit, or other implement of housebreaking; or

(c) having his face blackened or disguised with intent to commit any felony; or

(d) in any building with intent to commit any felony therein,

shall be guilty of a misdemeanour, and on conviction thereof liable—

-
- (i) if he has been previously convicted of any such misdemeanour or of any felony, to imprisonment with hard labour for any term not exceeding seven years; and
 - (ii) in all other cases to imprisonment with or without hard labour for any term not exceeding three years.

33. (1) Every person who—

Robbery.

(a) being armed with any offensive weapon or instrument, or being together with one other person or more, robs, or assaults with intent to rob, any person; or

(b) robs any person and, at the time of or immediately before or immediately after such robbery, uses any personal violence to any person,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding fifteen years.

(2) Every person who robs any person shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(3) Every person who assaults any person with intent to rob shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

34. (1) Every person who—

Demanding money, etc., with menaces.

(a) utters, knowing the contents thereof, any letter or writing demanding of any person with menaces, and without any reasonable or probable cause, any property or valuable thing; or

(b) utters, knowing the contents thereof, any letter or writing accusing or threatening to accuse any other person (whether living or dead) of any crime to which this section applies, with intent to extort or gain thereby any property or valuable thing from any person; or

(c) with intent to extort or gain any property or valuable thing from any person, accuses or threatens

to accuse either that person or any other person (whether living or dead) of any such crime, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(2) Every person who, with intent to defraud or injure any other person—

(a) by any unlawful violence to or restraint of the person of another; or

(b) by accusing or threatening to accuse any person (whether living or dead) of any crime to which this section applies, or of any felony,

compels or induces any person to execute, make, accept, endorse, alter, or destroy, the whole or any part of any valuable security, or to write, impress, or affix, the name of any person, company, firm, or partnership, or the seal of any body corporate, company, or society, upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(3) This section applies to any crime punishable with death, or imprisonment for not less than five years, or to any assault with intent to commit any rape, or to any attempt to commit any rape, or to any solicitation, persuasion, promise, or threat, offered or made to any person whereby to move or induce such person to commit or permit the abominable crime of buggery, either with mankind or with any animal.

(4) For the purposes of this Act, it is immaterial whether any menaces or threats be of violence, injury, or accusation to be caused or made by the offender or by any other person.

Demanding with menaces, with intent to steal.

35. Every person who, with menaces or by force, demands of any person anything capable of being stolen, with intent to steal such thing, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

36. Every person who, with intent—

- (a) to extort any valuable thing from any person; or
- (b) to induce any person to confer or procure for any person any appointment or office of profit or trust,
 - (i) publishes or threatens to publish any libel upon any other person (whether living or dead); or
 - (ii) directly or indirectly threatens to print or publish, or directly or indirectly proposes to abstain from or offers to prevent the printing or publishing of, any matter or thing touching any other person (whether living or dead),

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding two years.

Threatening to
publish, with
intent to extort.

37. (1) Every person who receives any property knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof liable—

(a) in the case of felony, to imprisonment with hard labour for any term not exceeding ten years;

(b) in the case of misdemeanour, to imprisonment with or without hard labour for any term not exceeding five years.

(2) Every such person may be indicted and convicted whether the principal offender has or has not been previously convicted, or is or is not amenable to justice.

(3) Every person who, without lawful excuse, receives or has in his possession any property stolen or obtained outside Antigua and Barbuda, knowing it to have been stolen or obtained in any way whatsoever under such circumstances that if the act had been committed in Antigua and Barbuda the person committing it would have been guilty of felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour), and on conviction

Receiving.

to accuse either that person or any other person (whether living or dead) of any such crime, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(2) Every person who, with intent to defraud or injure any other person—

(a) by any unlawful violence to or restraint of the person of another; or

(b) by accusing or threatening to accuse any person (whether living or dead) of any crime to which this section applies, or of any felony,

compels or induces any person to execute, make, accept, endorse, alter, or destroy, the whole or any part of any valuable security, or to write, impress, or affix, the name of any person, company, firm, or partnership, or the seal of any body corporate, company, or society, upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(3) This section applies to any crime punishable with death, or imprisonment for not less than five years, or to any assault with intent to commit any rape, or to any attempt to commit any rape, or to any solicitation, persuasion, promise, or threat, offered or made to any person whereby to move or induce such person to commit or permit the abominable crime of buggery, either with mankind or with any animal.

(4) For the purposes of this Act, it is immaterial whether any menaces or threats be of violence, injury, or accusation to be caused or made by the offender or by any other person.

**Demanding with
menaces, with
intent to steal.**

35. Every person who, with menaces or by force, demands of any person anything capable of being stolen, with intent to steal such thing, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

36. Every person who, with intent—

- (a) to extort any valuable thing from any person; or
- (b) to induce any person to confer or procure for any person any appointment or office of profit or trust,
- (i) publishes or threatens to publish any libel upon any other person (whether living or dead); or
- (ii) directly or indirectly threatens to print or publish, or directly or indirectly proposes to abstain from or offers to prevent the printing or publishing of, any matter or thing touching any other person (whether living or dead),

Threatening to
publish, with
intent to extort.

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with or without hard labour for any term not exceeding two years.

37. (1) Every person who receives any property knowing the same to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof liable—

Receiving.

(a) in the case of felony, to imprisonment with hard labour for any term not exceeding ten years;

(b) in the case of misdemeanour, to imprisonment with or without hard labour for any term not exceeding five years.

(2) Every such person may be indicted and convicted whether the principal offender has or has not been previously convicted, or is or is not amenable to justice.

(3) Every person who, without lawful excuse, receives or has in his possession any property stolen or obtained outside Antigua and Barbuda, knowing it to have been stolen or obtained in any way whatsoever under such circumstances that if the act had been committed in Antigua and Barbuda the person committing it would have been guilty of felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour), and on conviction

tion thereof liable to imprisonment with or without hard labour for any term not exceeding seven years.

**Corruptly taking
a reward.**

38. Every person who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to recover any property which has, under circumstances which amount to felony or misdemeanour, been stolen or obtained in any way whatsoever, or received, shall (unless he has used all due diligence to cause the offender to be brought to trial for such offence) be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

Procedure.

39. (1) On the trial of an indictment for obtaining or attempting to obtain any chattel, money, or valuable security, by any false pretence, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with intent to defraud.

(2) An allegation in an indictment that money or bank notes have been embezzled or obtained by false pretences may, so far as regards the description of the property, be sustained by proof that the offender embezzled or obtained any piece of coin or any bank note or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to any person and such part has been returned accordingly.

(3) In an indictment for receiving any property under this Act, any number of persons who have at different times so received such property or any part thereof may be indicted and tried together.

(4) If any person who is a member of any partnership or is one of two or more beneficial owners of any property, steals or embezzles any such property of or belonging to such partnership or to such beneficial owners, he shall be liable to be dealt with, tried, and punished, as if he had not been or was not a member of such partnership or one of such beneficial owners.

40. In an indictment against a person for larceny or embezzlement, the accused person may be charged and proceeded against for the amount of a general deficiency in account, notwithstanding that such general deficiency is made up of any number of specific sums of money the taking of which extended over any space of time, and without showing any particular sums received and not accounted for.

General deficiency.

41. Every person who knowingly and wilfully aids, abets, counsels, procures, or commands, the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried, and punished, as a principal offender.

Accessories and abettors.

42. (1) A wife shall have the same remedies and redress under this Act for the protection and security of her own property as if she were a *feme sole*:

Husband and wife.

Provided that no proceedings under this Act shall be taken by any wife against her husband while they are living together as to or concerning any property claimed by her, nor while they are living apart as to or concerning any act done by the husband while they were living together concerning property claimed by the wife, unless such property has been wrongfully taken by the husband when leaving or deserting or about to leave or desert his wife.

(2) A wife doing an act with respect to any property of her husband, which, if done by the husband in respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall be in like manner liable to criminal proceedings by her husband.

43. Any person found committing any offence punishable under this Act, except an offence under section 36, may be immediately apprehended without a warrant by any person and forthwith taken, together with the property, if any, before a Magistrate to be dealt with according to law.

Arrest without warrant.

44. If it be made to appear by information on oath before a Magistrate that there is reasonable cause to believe that any person has in his custody or possession or on his premises any property whatsoever, with respect to which any

Search warrants.

offence against this Act has been committed, the Magistrate may grant a warrant to search for and seize the same.

Compulsory disclosure in civil action or bankruptcy.

45. (1) No person shall be liable to be convicted of any offence against sections 8, 9 (a), 21, 22 and 23 upon any evidence whatever in respect of any act done by him, if at any time previously to his being charged with such offence he has first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity in any action, suit or proceeding which has been *bona fide* instituted by any person aggrieved.

(2) In any proceedings in respect of any offence against sections 8, 9 (a), 21, 22 and 23, a statement or admission made by any person in any compulsory examination or deposition before any court on the hearing of any matter in bankruptcy shall not be admissible in evidence against that person.

Venue.

46. (1) A person charged with any offence against this Act may be dealt with, indicted, tried, and punished in any circuit or place in which he was apprehended or is in custody as if the offence had been committed in that circuit or place; and for all purposes incidental to or consequential on the prosecution, trial, or punishment of the offence, it shall be deemed to have been committed in that circuit or place.

(2) Every person who steals or otherwise feloniously takes any property in any one part of Antigua and Barbuda may be dealt with, indicted, tried, and punished in any other part of Antigua and Barbuda where he has the property in his possession in the same manner as if he had actually stolen or taken it in that part.

Punishments.

47. (1) Every person who commits the offence of simple larceny, after having been previously convicted of felony, shall be liable to imprisonment with hard labour for any term not exceeding seven years.

(2) Every person who commits the offence of simple larceny, or any offence made punishable like simple larceny, after having been previously convicted—

(a) of any misdemeanour punishable under this Act; or

(6) twice summarily of larceny or damage to property, shall be liable to imprisonment with or without hard labour for any term not exceeding five years.

(3) On conviction of a felony or misdemeanour punishable under this Act, the court, instead of or in addition to any other punishment which may lawfully be imposed for the offence—

(a) may fine the offender; or

(6) may require the offender to enter into his own recognizances, with or without the sureties, for keeping the peace and being of good behaviour:

Provided that a person shall not be imprisoned for more than one year for not finding sureties.

48. (1) If on the trial of any indictment for robbery **Verdict.** it is proved that the defendant committed an assault with intent to rob, the jury may acquit the defendant of the robbery and find him guilty of an assault with intent to rob, and thereupon he shall be liable to be punished accordingly.

(2) If, on the trial of any indictment for any offence against section 20 (relating to embezzlement), it is proved that the defendant stole the property in question, the jury may find him guilty of stealing, and thereupon he shall be liable to be punished accordingly; and on the trial of any indictment for stealing, the jury may in like manner find the defendant guilty of embezzlement or of fraudulent application or disposition, as the case may be, and thereupon he shall be liable to be punished accordingly.

(3) If, on the trial of any indictment for stealing, it is proved that the defendant took any chattel, money, or valuable security in question, in any such manner as would amount in law to obtaining it by false pretences with intent to defraud, the jury may acquit the defendant of stealing and find him guilty of obtaining the chattel, money, or valuable security, by false pretences, and thereupon he shall be liable to be punished accordingly.

(4) If, on the trial of any indictment for obtaining any chattel, money, or valuable security, by false pretences, it is proved that the defendant stole the property in question, he shall not by reason thereof be entitled to be acquitted of obtaining such property by false pretences.

(5) If, on the trial of any two or more persons indicted for jointly receiving any property, it is proved that one or more of such persons separately received any part of such property, the jury may convict upon such indictment such of the said persons as are proved to have received any part of such property.

Restitution.

49. (1) If any person guilty of any such felony or misdemeanour as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, having in his possession, or disposing of, or in knowingly receiving, any property, is prosecuted to conviction by or on behalf of the owner of such property, the property shall be restored to the owner or his representative.

(2) In every case in this section referred to, the court before whom such offender is convicted shall have power to award from time to time writs of restitution for the said property or to order the restitution thereof in a summary manner:

Provided that where goods (as hereinafter defined in this section) have been obtained by fraud or other wrongful means not amounting to stealing, the property in such goods shall not re-vest in the person who was the owner of the goods or his personal representative, by reason only of the conviction of the offender:

Provided also that nothing in this section shall apply to the case of—

(a) any valuable security which has been in good faith paid or discharged by some person or body corporate liable to the payment thereof, or, being a negotiable instrument, has been in good faith taken or received by transfer or delivery by some person or body corporate for a just and valuable consideration without any notice or without any reasonable cause to suspect that it had been stolen:

(b) any offence against sections 21, 22 and 23.

(3) On the restitution of any stolen property, if it appears to the court by the evidence that the offender has sold the stolen property to any person, and that such person has had no knowledge that the same was stolen, and that any moneys have been taken from the offender on his apprehension, the court may, on the application of such purchaser, order that out of such moneys a sum not exceeding the amount of the proceeds of such sale shall be delivered to the said purchaser.

(4) For the purposes of this section "goods" includes all chattels personal other than things in action and money; the term includes emblements, industrial growing crops, and things attached to or forming part of land.

50. Where an offence against this Act is by any other Act made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act. **Offences punishable on summary conviction.**
