

LAWS OF DOMINICA

SMALL TRESPASS ACT

CHAPTER 7:05

Act

L.I.12 of 1891

Amended by

L.I. 23 of 1932

19 of 1939

12 of 1990

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 7:05**SMALL TRESPASS ACT****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
 2. Interpretation.
 3. Magistrates' jurisdiction ousted when question of title involved.
 4. Magistrates to have civil jurisdiction in certain cases of trespass.
 5. Magistrate may order restitution of property wrongfully detained or its value up to \$1,000.
 6. Trespass to land.
 7. Trespass to land by animals.
 8. Common law to apply.
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CHAPTER 7:05

SMALL TRESPASS ACT

1961 Ed. **AN ACT relating to trespass to personal property.**

Cap 21.
12 of 1891.

Commencement. [1st March 1892]

Short title. **1. This Act may be cited as the –**
SMALL TRESPASS ACT.

Interpretation. **2. In this Act –**
“animal” means any camel, horse, mule, ass, ox, sheep, goat or swine and includes feathered stock;
“feathered stock” means fowls, turkeys, peafowls, ducks, geese and guinea birds.

Magistrates' jurisdiction ousted when question of title involved. **3. Nothing in this Act shall give jurisdiction to any Magistrate to decide any matter where a *bona fide* question of title to land or of a right of way or other easement is involved, and when a Magistrate trying a case under this Act is satisfied that such question is involved he shall abstain from giving any decision thereon and may either dismiss the case or adjourn it until such question has been decided by a competent court according as to him may seem just.**

Magistrates to have civil jurisdiction in certain cases of trespass. [12 of 1990]. **4. (1) A Magistrate shall have jurisdiction to try and determine civil claims in respect of the following matters:**

- (a) where any personal property the value of which does not exceed one thousand dollars is unlawfully detained by any person;
- (b) where any person commits a trespass to land;
- (c) where any animal causes any damage by trespassing on any land and the amount of damage suffered by the owner of the land has not exceeded one thousand dollars.

Ch 4:20. **(2) Except as otherwise provided in this section the provisions of the Magistrate's Code of Procedure Act relating to civil proceedings shall apply to all matters brought before a Magistrate under this section;**

and any judgment or order given or made in any such civil claim shall be enforced in the manner provided by the said Act for the enforcing of the payment of a fine or of an order made on complaint.

5. Where any personal property is detained the Magistrate may order the restoration of the property to the person having the right to the possession of it or he may give judgment for the value of the property to an amount not exceeding one thousand dollars. Magistrate may order restitution of property wrongfully detained or its value up to \$1,000. [12 of 1990].
6. Where any person has committed a trespass to land the Magistrate may give judgment in respect of such trespass for an amount by way of damages not exceeding one thousand dollars. Trespass to land. [12 of 1990].
7. Where any animal causes any damage by trespassing on any land the Magistrate may give judgment in respect of such trespass for an amount not exceeding one thousand dollars. Trespass to land by animals. [12 of 1990].
8. All trespasses to personal property or to land except where otherwise provided by this Act or any other Act shall be governed by the common law. Common law to apply.
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