

CHAPTER 250
PRAEDIAL LARCENY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 53 of 1991

Amended by

Act No. 5 of 2005

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CHAPTER 250
PRAEDIAL LARCENY ACT

An Act to make better provision for the protection of Praedial Produce.

[Act No. 53 of 1991 amended by Act No. 5 of 2005.]

[24th January, 1992.]

1. Short title

This Act may be cited as the Praedial Larceny Act.

2. Interpretation

In this Act—

“agricultural produce” means any tree, plant, root, fruit, vegetable or other produce which is used or is capable of being used, whether after treatment or otherwise, as food or as an ingredient in food for man or beast;

“memorandum of sale or delivery” means any document, invoice, receipt or bill which contains the particulars set out in section 12B;

“Minister” means the Minister responsible for agriculture;

“person designated” means a person designated in writing by the Minister under and in accordance with section 9;

“Police Force” means the Royal Grenada Police Force established by the Police Act, Chapter 244;

“producer” means any person who rears, cultivates, grows or stores any agricultural produce and subsequently sells, agrees to sell, trades in, deals in, supplies or otherwise disposes of such agricultural produce;

“purchaser” means any person who purchases, agrees to purchase or otherwise obtains possession or custody of any agricultural produce of the weight of fifteen pounds or more;

“retailer” means any person who sells, agrees to sell, trades in, deals in, supplies or otherwise disposes of agricultural produce but does not include a producer;

“wholesaler” means any person who purchases, agrees to purchase or otherwise obtains possession or custody of agricultural produce disposes of such agricultural produce.

3. Fruit or vegetable produce in a garden, etc.

Whoever steals, or destroys, or damages with intent to steal, any plant, root, fruit, or vegetable produce growing in any garden, orchard, pleasure-ground, nursery-ground, hot-house, green-house, or conservatory shall, on summary conviction, either be imprisoned for a term not exceeding twenty-four months or else forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not less than three thousand dollars or more than ten thousand dollars as to the magistrate seems proper.

4. Vegetable produce not growing in garden, etc.

Whoever steals, or destroys, or damages with intent to steal, any cultivated plant, root, fruit or vegetable produce used for the food of man or beast or for medicine, or for the distilling, or for dyeing, or for in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, pleasure-ground, or nursery-ground, shall, on summary conviction, either be imprisoned for a term not exceeding twenty-four months or else forfeit and pay, over and above the value of the articles so stolen, or the amount of the injury done, such sum of money, not less than three thousand dollars or more than ten thousand dollars as to the magistrate seems proper.

5. Damage to produce

Whoever maliciously roots up, destroys or damages any tree, plant, root, fruit, vegetable or other produce which is used or is capable of being used, whether after treatment or otherwise, as food or as an ingredient in food for man or beast, wheresoever lying, standing, growing, cultivated, or planted, shall be guilty of an offence and liable, on summary conviction, to a fine not less than three thousand dollars or more than ten thousand dollars and to imprisonment for twenty-four months.

6. Dishonestly receiving praedial produce

(1) Whoever dishonestly receives or unlawfully obtains any tree, plant, root, fruit, vegetable or other produce which is used or is capable of being used, whether after treatment or otherwise, as food or as an ingredient in food for man or beast knowing, or in circumstances in which he or she ought to know the same to have been stolen or unlawfully obtained shall be guilty of an offence against this Act.

(2) Whoever has in his or her possession any tree, plant, root, fruit, vegetable, flower of any fruit or food-producing plant or any part thereof which is used or is capable of being used, whether after treatment or otherwise, as food or as an ingredient in food for man or beast or as medicine for man or beast or for the manufacture of any article, and does not give a good account of how he or she came in possession thereof, shall be guilty of an offence against this Act.

7. Where circumstances not constitute stealing, alternate offence of obtaining by false pretences may be found

If upon trial of any person under section 3, 4, 5 or 6 it appears that any produce or article referred to in any of those sections was appropriated, received or obtained by such person by fraud, under circumstances which do not constitute stealing, or dishonestly receiving or unlawfully obtaining, such person shall not by reason thereof be entitled to be acquitted, but may under this section be found guilty of obtaining such produce by false pretences with intent to defraud.

8. Vagrancy in respect of praedial larceny

(1) Whoever enters, or is seen or is found on or within any estate, farm, garden, orchard, pleasure ground, nursery ground, hot house, green house or conservatory, without the consent of the owner, occupier, or person in charge thereof and does not give a good account of himself or herself, or does not satisfy the Magistrate that he or she had a right to be thereon or therein, shall be guilty of an offence against this Act.

(2) Whoever—

(a) is found on or within any estate, farm, garden, orchard, pleasure ground, nursery ground, hot house or conservatory without the consent of the owner, occupier, or person in charge thereof, or any other person lawfully thereon and threatens or intimidates or, attempts to intimidate the owner, occupier, or person in charge thereof, or any other person lawfully thereon; or

(b) is found on or within any estate, farm, garden, orchard, pleasure ground, nursery ground, hot house or conservatory, without the consent of the owner, occupier, or person in charge and is also armed with or has in his or her custody or possession any offensive or dangerous weapon or instrument,

shall be guilty of an offence against this Act and shall on summary conviction be liable to a term of imprisonment of not less than two years and not exceeding two years.

(3) Whoever is found on or within any estate, farm, garden, orchard, pleasure ground, nursery ground, hot house, or conservatory, and commits any act of violence upon the owner, occupier, or person in charge thereof, or any other person lawfully thereon or attempts to commit such act, shall be guilty of an offence against this Act and shall on summary conviction be liable to a term of imprisonment not exceeding five years.

9. Power of search, etc.

Where any member of the Police Force, Rural Constable, or other person designated in writing by the Minister (hereinafter referred to as a person designated), has reasonable cause to suspect that any produce or article referred to in section 3, 4, 5, 6 or 7 (hereinafter referred to as “praedial produce”) has been stolen, dishonestly received,

unlawfully obtained, or the subject of any other offence referred to in any of those sections, he or she may without warrant—

- (a) stop and search any vehicle or other conveyance or search any parcel or package of any kind whatsoever, or any building or place, for the purpose of ascertaining whether any such praedial produce is within such vehicle, conveyance, parcel, package, building or place;
- (b) stop and search any person whom he or she has reasonable grounds to believe may be guilty of, or concerned in, any such offence;
- (c) make enquiries of any person as to the origin, possession or ownership of any praedial produce.

10. Power of arrest

(1) Where any member of the Police Force, Rural Constable, or person designated has reasonable cause to suspect that praedial produce has been stolen, dishonestly received, unlawfully obtained, or the subject of any other offence referred to in section 3, 4, 5, 6 or 7, he or she may without warrant arrest and take into custody any person—

- (a) who, having in his or her possession or being found carrying or conveying any praedial produce, does not give an account to the satisfaction of such member of the Police Force, Rural Constable, or person designated, as to how he or she came by the same; or
- (b) who may be found by such member of the Police Force, Rural Constable, or person designated, in any place, or acting in any manner, as to give him or her reasonable grounds to believe that such person has stolen, or dishonestly received, or unlawfully obtained such praedial produce.

(2) It shall be lawful for any person to apprehend any other person who, being liable to be arrested under the provisions of subsection (1), escapes from any member of the Police Force, Rural Constable, or person designated, or lets fall or throws away or in any other manner abandons any praedial produce from his or her possession.

11. Obstruction

Any person who hinders, opposes, molests, obstructs, or assaults any member of the Police Force, Rural Constable or person designated in the carrying out of the provisions of sections 9 and 10 respectively shall be guilty of an offence against this Act.

12. Young offenders punishable

(1) Notwithstanding anything contained in the Criminal Code Act, Chapter 72A, or any other enactment whereby a person who has not attained a certain age shall not be held responsible for a crime, a person who has attained the age of eight years and who is not more than sixteen years (hereinafter referred to as a young offender) may be charged solely or jointly with any other person for an offence under sections 3, 4, 5, 6, 7 or 8 and, subject to any enactment providing for such persons to be tried in a juvenile court, any such young person found guilty of any such offence aforesaid shall be punished in accordance with the provisions of section 13 providing for the payment of a fine, compensation or costs:

Provided however that any such fine, compensation or costs adjudged to be paid may, if the Magistrate so orders, be paid by and recovered from the parent or guardian of such young offenders by distress or imprisonment in like manner as if the order had been made on conviction of the parent or guardian for the offence for which such young offender was charged.

(2) An order under this section may be made against a parent or guardian who, having been required to attend court, has failed to do so, but save as aforesaid no such order shall be made without giving the parent or guardian an opportunity of being heard.

12A. Registration as a seller of agricultural produce

(1) Every person who sells, trades in, deals in, supplies or otherwise disposes of agricultural produce of the weight of fifteen pounds or more shall be registered in the manner provided in this section.

(2) Every person required by this section to be registered shall apply in writing to the Minister.

(3) Every application for registration shall be accompanied by such fees as the Minister may prescribe.

(4) Where a person applies under this section to be registered, the Minister may cause such person to be registered and shall issue a certification of registration to that person.

(5) Every certification of registration issued under this section shall—

- (a) be such period as the Minister may direct;
- (b) bear a registration number; and
- (c) bear the date of issue and the date on which the registration shall expire.

(6) This section does not apply to persons who have been registered as farmers and issued with a registration card under another Act of Parliament.

12B. Memorandum of sale or delivery

(1) Every producer, wholesaler or retailer shall, at the time of the sale or delivery of agricultural produce of the weight of fifteen pounds or more, give a memorandum of sale or delivery to the purchaser or other person obtaining possession or custody of the agricultural produce setting out—

- (a) the registration number, of such producer, wholesaler or retailer;
- (b) the date of the sale or delivery;
- (c) if the retailer is not a supermarket or grocery, the type and quantity of the agricultural produce sold or delivered; and
- (d) if the agricultural produce is purchased, the price paid therefore.

(2) A person who gives a memorandum of sale or delivery in accordance with subsection (1) shall retain a duplicate of such memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a police officer.

(3) Every wholesaler or retailer who receives a memorandum of sale or delivery in accordance with subsection (1) shall retain a duplicate of such memorandum of sale or delivery and shall produce the same for inspection upon being required to do so by a police officer.

(4) A person who fails to comply with the provisions of subsection (1), (2) or (3) is liable on summary conviction to a fine of not less than three thousand dollars and not more than ten thousand dollars and to imprisonment for two years.

12C. Taking of photograph of agricultural produce

(1) A photographer who shall be a police officer shall, within seventy-two hours of the seizure of any agricultural produce alleged to have been unlawfully obtained, take such photographs as may be necessary of any such agricultural produce and complete the Form in the Schedule.

(2) The photographs shall be taken in the presence of the person who claims to be entitled thereto and, wherever practicable, in the presence of the suspected person and both persons may sign a statement to that effect.

(3) Where a person referred to in subsection (2) refuses to sign the statement referred thereto the police photographer shall make a note of such refusal and shall date and initial the note.

13. Penalties

(1) Offences under this Act shall be tried summarily.

(2) Any person who commits an offence against this Act shall be liable, except where some other penalty has been provided by this Act, to a fine of not less than three thousand dollars or more than ten thousand dollars and imprisonment for twenty-four months.

(3) Where any person is convicted before a Magistrate of an offence regarding praedial produce under section 3, 4, 5, 6 or 7, that Magistrate shall order the person so convicted to pay to the owner of the praedial produce in respect of which the person is so convicted such compensation as at least is equal to the value of the said praedial produce and such compensation shall be dealt with as costs but paid into the court for delivery to the said owner of the praedial produce.

(4) Compensation payable under subsection (3) shall be in addition to, and not in substitution for, such fine or term of imprisonment as may be ordered under subsection (2) regarding any of the provisions referred to in subsection (3) that is, sections 3, 4, 5, 6 and 7.

14. Supervision Order

(1) In addition to any order made under this Act, and subject to section 15, when any person is convicted under this Act, the Magistrate before whom such person is convicted, if not ordering that the said convicted person be imprisoned, in releasing such person from the custody of the court—

- (a) where the value of the praedial produce concerned is less than fifty dollars, may order such person to be placed under police supervision for a period not exceeding one year to be specified in the order;
- (b) where the value of the praedial produce concerned is fifty dollars or more, shall order such person to be placed under police supervision for a period not exceeding one year to be specified in the order.

(2) Where the person in respect of whom an order is made is a young offender, the Magistrate may order that such young offender be placed in the care and protection of his or her parent or guardian and reside with such parent or guardian during the order and any order containing any such provisions shall be treated as if it were a requirement contained in section 15:

Provided that a Magistrate shall not make an order under subsection (2) unless the parent or guardian has been summoned to attend court and such parent or guardian has been given an opportunity of being heard:

Provided also that the Magistrate shall not make an order containing any such provisions where, in view of representations made to him or her, the character of the parent or guardian is such that it would not be in the interest of the young offender to make such an order.

(3) In subjecting a person to a supervision order under this section, a Magistrate may order that person to do free labour at such site as may from time to time be selected by the Commissioner of Prisons, and with such frequency as the Magistrate may order, and such labour shall be under the supervision of a prison officer:

Provided that where a person commits a second or subsequent offence, a Magistrate shall order that person to do such free labour.

15. Breach of supervision order

(1) Every order made under section 14 shall be expressed by the Magistrate making the same in the presence and hearing of the offender in respect of whom it is made, and shall require such offender—

- (a) as soon as is practicable, and in any event within twenty-four hours after his or her release from custody, to inform the officer in charge of the police station nearest to his or her dwelling place of the address and location thereof;
- (b) at least twenty-four hours before any change of residence on his or her part during the period specified in the order—
 - (i) to seek the permission in writing of such officer for such change of address, and
 - (ii) to inform such officer of the address and location of the dwelling place which is to be his or her residence after such change has occurred;
- (c) to be and remain within his or her stated dwelling place between the hours of half past seven o'clock each night and half past five o'clock each morning during the period specified in the order unless permitted by such officer in writing to absent himself or herself therefrom;
- (d) to obey any lawful instructions given to him or her by such officer for the purpose of ensuring compliance on the part of such person with the requirements of the order during the period specified therein;
- (e) to receive such visits as may be made from time to time at his or her dwelling place by any police constable during the period specified in the order for the purpose of ascertaining the whereabouts of such offender.

(2) Where an offender, without reasonable excuse, fails or neglects to comply with any order made in respect of him or her under this section or section 14, the police officer in charge of the police station nearest to his or her dwelling place, or such other dwelling place at which he or she may for the time being be at, shall apply to the Magistrate's Court which made such order for a warrant for his or her arrest and shall bring the offender before such court which shall deal with the offender in accordance with subsection (3).

(3) Where an offender is brought to the Magistrate's Court under subsection (2), the Magistrate, after hearing any representation made by or on behalf of such offender, shall have power to sentence him or her to a term of imprisonment not exceeding six months.

16. Flogging

(1) Notwithstanding anything contained in the Criminal Code, Chapter 72A, or any other law prohibiting or regulating the passing of a sentence of corporal punishment by flogging or whipping, it shall be lawful for a Magistrate on a second or subsequent conviction for an offence committed under section 3, 4, 5, 6, 7 or 8, in addition to any other punishment imposed under this Act, to sentence the offender where an adult to be flogged or where a young person to be whipped; but save as hereinbefore provided the provisions of the Criminal Code regulating the execution of such a sentence shall govern any such sentence made by the Magistrate under this section:

Provided that in the case of an offence under section 8(2) or (3), a Magistrate shall order flogging in respect of any such offence, even if it be the first such offence of the particular offender once such offender has attained the age of eighteen years.

(2) The provisions of this section shall not apply to any female person convicted of any offence under this Act.

17. Praedial Larceny Fund

All fines received under this Act shall be paid into the Treasury to the credit of a fund to be called the "Praedial Larceny Fund" and no money shall be paid out of the said fund unless authorised by the Minister of Finance in accordance with the advice of the Minister of Agriculture as compensation for loss suffered by a producer as a result of an offence against section 3, 4, 5, 6 or 7:

Provided that no money shall be paid to a producer under this section to the extent that he or she has been awarded and has received compensation under section 13(3):

Provided further that, if after a farmer receives compensation under this section, the offender later pays compensation under section 13(3), this compensation so later paid by the offender shall be paid by the Court into the Treasury into the Praedial Larceny Fund to the extent that the farmer received compensation under this section.

18. Regulations

The Minister may by regulations published in the *Gazette* make provision for the better carrying out of the provisions of this Act.

19. Commencement

This Act comes into force on the 24th day of January, 1992.

20. Repeal of Chapter 250

The Praedial Larceny Act, Chapter 250 of the 1990 Revised Laws, is hereby repealed:

Provided that all moneys paid into the Treasury to the credit of the "Praedial Larceny Fund" under section 8 of that act shall by virtue of this Act be automatically transferred into the "Praedial Larceny Fund" established by section 17 of this Act.

Schedule

PRAEDIAL LARCENY ACT

Return of Photographer

I,
(name, rank and number of photographer)
of photographer
(address)
did on take photographer(s) of
(date) (number)
.....
(quantity, if known and type of agricultural produce or and any distinguishing marks)
and the said photograph(s) was/were shown as numbers
(number of exposures)
on the photographic camera, model/serial number
(model and serial number of camera)
which I used to take said photographs.

.....
Date

.....
Signature

**CHAPTER 250
PRAEDIAL LARCENY ACT**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
