



TURKS AND CAICOS ISLANDS

CHAPTER 32 SUMMARY OFFENCES ORDINANCE

Revised Edition
showing the law as at 15 May 1998

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This edition contains a consolidation of the following laws—

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Ordinance 5 of 1899 .. in force 6 January 1900

Amended by Ordinances: 5 of 1899, 3 of 1926, 15 of 1927, 6 of 1945, 10 of 1948
9 of 1960, 7 of 1965, 10 of 1968 and 23 of 1968

Amended by Ordinance 5 of 1983

.. in force: ss. 13-15 and Schedule 7 October 1983 (L.N. 13/ 1983)

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Amended by Ordinance 9 of 1998 .. in force 15 May 1998

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No Subsidiary Legislation has been made under this Ordinance

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CHAPTER 32

SUMMARY OFFENCES ORDINANCE

*(Ordinances 5 of 1899, 3 of 1926, 15 of 1927, 6 of 1945,
10 of 1948, 9 of 1960, 7 of 1965, 10 of 1968, 23 of 1968,
5 of 1983, 13 of 1985 and 9 of 1998)*

[6 January 1900] Commencement

PART I

PRELIMINARY

1. This Ordinance may be cited as the Summary Offences Ordinance. Short title
2. (1) In this Ordinance, unless the context otherwise requires— Interpretation
 - “cattle” means the male, female or young of any animal of the following kinds—horse, mule, ass, kine, sheep, swine or goat;
 - “horse” includes mare and gelding;
 - “instrument or appliance of gambling” includes all articles which are used in and for the purposes of gambling or a lottery;
 - “intoxicating liquor” means spirits, wines, beers, porter, ales, cider, perry and any fermented, distilled and spirituous liquors;
 - “Magistrate” has the meaning given to that term in the Magistrate’s Court Ordinance; Cap. 12
 - “offensive weapon” means any gun, spear, sword, knife, bludgeon, cosh or other instrument or thing whatsoever which is designed constructed or adapted for use or intended by the person carrying it or having it with him to be used to cause injury or harm or the apprehension of injury or harm to or in another person; *(Inserted by Ord. 5 of 1983)*
 - “place” means any office, room or building and any place or spot, whether open or enclosed and includes a ship, boat or other vessel, whether afloat or not, and any vehicle;

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“vehicle” includes any bicycle, tricycle, cart, dray, waggon, hand-cart, truck, wheelbarrow and any kind of carriage or other machine made to travel on wheels other than a motor vehicle as that term is defined in the Road Traffic Ordinance.

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(2) Except as hereinafter in this subsection provided in this Ordinance “public place” has the same meaning as it has under section 3 of the Interpretation Ordinance:

Provided that in paragraph (o) of section 9 of this Ordinance “public place” does not include any beach, foreshore, public park or recreation ground other than a public park or recreation ground or any park thereof set apart principally for use by children.

(Inserted by Ord. 5 of 1983)

Procedure

3. Any person accused of having committed any of the offences hereinafter set forth may, notwithstanding any other law to the contrary, be prosecuted on complaint before the Magistrate in the manner prescribed by the Magistrate’s Court Ordinance, and shall upon conviction be liable to the punishments hereinafter prescribed for such offences.

PART II

MISCELLANEOUS OFFENCES

Carrying
offensive
weapon in public

4. (1) Any person who without lawful excuse, the proof whereof lies upon him, carries or has with him any offensive weapon in a public place commits an offence and is liable on conviction to a fine of \$500 or to imprisonment for six months or both.

(2) Any police officer may seize any offensive weapon appearing to him to be being carried or to be with a person in contravention of subsection (1) and on convicting any person of an offence under subsection (1) the Magistrate shall order the destruction of any offensive weapon seized under this subsection in connection with that offence.

Using offensive
weapon so as to
cause fear

5. (1) Any person who without lawful excuse the proof of which lies upon him, brandishes or displays in any place whatsoever any offensive weapon with intent to cause fear or alarm to any other person commits an offence and is liable on conviction to a fine of \$1000 or to imprisonment for twelve months or both.

(2) Any police officer may seize any offensive weapon appearing to him to be brandished or displayed in contravention of subsection (1) and on convicting any person of an offence under subsection (1) the Magistrate shall order the destruction of any offensive weapon seized under this subsection in connection with that offence.

(Inserted by Ord. 5 of 1983)

6. (1) Any person who takes part in a fight in a public place commits an offence and is liable on conviction to a fine of \$500 or to imprisonment for six months or both.

Fighting in a public place, challenges to duels, taking part in prize fight

(2) For the purposes of subsection (1) a person takes part in a fight, even if he is not himself a combatant therein, if unlawfully by words or conduct he encourages any person who is a combatant therein to fight or to continue to fight.

(3) For the purposes of subsection (1) self-defence shall not afford an excuse to the extent that the conduct of the person concerned goes beyond what would be reasonable for the purposes of self-defence.

(4) Any person who—

- (a) challenges another person to fight a duel; or
- (b) attempts to provoke any person to challenge another person to fight a duel; or
- (c) acts as a second at or is intentionally a spectator at any duel;

commits an offence and is liable on conviction to a fine of \$2,000 or to imprisonment for two years or both.

(5) Any person who—

- (a) takes part in a prize fight; or
- (b) promotes a prize fight; or
- (c) subscribes to a prize fight; or
- (d) advertises a prize fight or displays an advertisement for a prize fight; or
- (e) acts as a second at or is intentionally a spectator at a prize fight,

commits an offence and is liable on conviction to a fine of \$1,000 or to imprisonment for twelve months or both.

(6) For the purposes of this section—

“duel” means a combat between two or more persons in which by prior agreement or arrangement offensive weapons will be

used by the combatants to inflict injury or death upon one or more of the combatants;

“fight” means any fight which is not a duel or prize fight; and

“prize fight” means a combat between two or more persons in which any reward in money or in kind is to be paid to the victor or victors therein and in which it is intended that offensive weapons will not be used but which it is intended will continue until one or more of the combatants is dead or no longer has the physical capacity to continue to fight.

Displaying
obscene or
offensive article
in a public place
etc

(7) Any person who in any public place wilfully displays any article, object or thing which is obscene or likely to cause offence to the public, commits an offence and is liable on conviction to a fine of \$500 or to imprisonment for six months or both.

Interference with
political liberties

(8) Any person who by violence or by threats or intimidation of any kind hinders or interferes with the free exercise of any political right by any person commits an offence and is liable on conviction to a fine of \$1,000 or to imprisonment for six months or both.

Advertising
rewards etc

(9) Any person who—

(a) publicly offers a reward for the return of any property which has been stolen or lost and in the offer makes use of any words to the effect that no questions will be asked or that the person who produces it (if he be the thief) will not be seized or molested; or

(b) who publicly offers to return to any person who may have bought or advanced money by way of loan upon stolen or lost property the amount so paid or advanced, or any sums of money or reward for the return of such property; or

(c) who permits or publishes any such offer,

commits an offence and is liable on conviction to a fine of \$250 or to imprisonment for three months or both.

(Inserted by Ord. 5 of 1983)

PART III

OFFENCES AGAINST THE RIGHTS OF PROPERTY

Malicious
damage to
property

7. Any person who unlawfully commits any damage, injury or spoil to or upon any real or personal property whatsoever,

either of a public or a private nature, to an amount not exceeding \$250 shall be liable to be imprisoned for three months or to a fine of \$250 and, in either case, at the discretion of the Magistrate to pay compensation not exceeding \$250, which last mentioned sum of money shall in the case of private property be paid to the party aggrieved, and in the case of property of a public nature, or wherein any public right is concerned, shall be applied in the same manner as every penalty imposed by the Magistrate under this Ordinance. (*Amended by Ord. 5 of 1983*)

8. Any person who—

Trespass

- (a) without lawful authority enters upon the property of another against the will of the person lawfully entitled to occupation of such property; or
- (b) having lawfully entered upon the property of another, without lawful authority or excuse, remains upon that property after having been requested by the person entitled to occupation thereof or some person authorised by him or by a police officer, or by a police officer to leave that property,

commits an offence and is liable on conviction to a fine of \$100 or to imprisonment for one month or both.

(*Inserted by Ord. 5 of 1983*)

PART IV

OFFENCES AGAINST PUBLIC ORDER, HEALTH AND MORALITY

9. Any person convicted of any of the offences in this section enumerated shall be liable to pay a fine of \$100 and, in default of payment, to imprisonment for three months, that is to say—

Punishment for
particular
offences

- (a) any person who shall in any public place, or in any place within sight and hearing of persons being in such public place, disturb the peace by quarrelling, or making any loud noise (including any instrument or apparatus for the production or reproduction of sound), to the annoyance of persons residing or being in the neighbourhood; (*Amended by Ord. 5 of 1983*)
- (b) any person who shall use to, of, or concerning any other person, within hearing of that other person,

Disturbing the
peace

Abusive
language

	any violent, scurrilous, or abusive language, tending to a breach of the peace;
Profane language	(c) any person who in any public place, or within sight and hearing of any person in the same, shall sing any profane or obscene song, or use any profane, obscene, or indecent language, expression or term, whether the same be applied to any other person or not;
Indecent exposure	(d) any person who wilfully and indecently exposes his person to, or within view of, any other person;
Discharge of fire-arms or fireworks	(e) any person who wantonly discharges any cannon, musket, or other fire-arm, or throws any stone or other missile, or makes any bonfire, or throws or sets fire to any firework, to the annoyance or danger of any other person, or to the danger of any property;
Games	(f) any person who plays at cricket or other game in any public place to the annoyance or danger of the passengers or frequenters thereof;
Flying kites	(g) any person who flies any kite to the annoyance or danger of the passengers in or frequenters of any public place;
Dangerous animals	(h) any person who suffers to be at large any animal belonging to him or left in his possession or control which by reasons of its propensity to bite or for any other reason is likely to be the cause of injury to any person, or who wantonly sets or urges any dog or other animal to attack, worry, or put in fear any person or animal; (<i>Amended by Ord. 5 of 1983</i>)
Furious riding, etc	(i) any person who in any public place rides or drives furiously any horse or other animal, or any vehicle;
Leaving cart, etc., in street	(j) any driver of a vehicle which is drawn by an animal who shall quit the same while in any public road, street, or highway, whether such vehicle shall be moving or standing still, without employing some proper person to take charge of the same during his absence;
Preventing, etc., free passage	(k) any person who wilfully or negligently prevents, hinders or intercepts the free passage of any other person or any vehicle or beast on any public road, street or highway, or who draws up any vehicle in

- such a manner as to obstruct the free passage along the public road, street or highway;
- (l) any person found in a state of intoxication in any public place; Intoxication
- (m) any person who shall behave irreverently or indecently in or near any church, chapel, or place appropriated for religious worship during the time of divine service; Indecent behaviour in place of worship
- (n) all persons who shall assemble in any public place, or in any unenclosed ground in the neighbourhood of the same, for any idle, lewd, vicious, or disorderly purpose, or otherwise than in the performance or in pursuance of some lawful calling or object, to the annoyance or obstruction of the passengers, or other persons frequenting such public place, or of the person residing in the neighbourhood, and who shall not disperse when thereunto required by the Magistrate, a Justice of the Peace or other peace officer; Unlawful assembly
- (o) any person loitering or carousing in or about a premises licensed under the provisions of the Liquor Licensing Ordinance, or found consuming intoxicating liquor in any public place as defined in section 2(2) of this Ordinance; Loitering about liquor shop
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- (p) any person who shall bathe or wash himself, or wash any clothes, or other articles of any kind, in any public well, or within fifty feet of the same, or shall throw or place dirty water or filth or offensive matter of any kind into or upon any tank or well, private or public, or who shall wantonly or carelessly commit any damage to or upon the coping or curb surrounding any public tank or well; (*Amended by Ord. 5 of 1983*) Washing at public wells
- (q) any person who shall deposit any dirt, filth, or offensive matter in or near any public street or highway, or shall deposit the same in any place within any town or settlement of the Islands to the annoyance of the inhabitants thereof, and shall not upon notice given him by the Magistrate, a Justice or police officer remove the same without delay; Depositing filth in any public place
- (r) any person who hawks or retails any goods in any public thoroughfare in a town; Hawking goods
- (s) any driver or rider of a vehicle, who, by negligence or misbehaviour, causes hurt or Causing damage to horse, etc

Driving without light	<p>damage to any person's horse, cattle, vehicle or goods on any public road, street or highway;</p> <p>(t) any person who during the period between one half hour after sunset and one half hour before sunrise, rides or is upon, or drives any vehicle, on any road without having attached to the vehicle a lamp, which should be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the vehicle;</p> <p>(u) any person who on being ordered by a police officer to "move on" or "keep moving" fails or refuses to comply with such order.</p> <p><i>(Amended by Ord. 5 of 1983)</i></p>
Disturbing entertainment, etc	<p>10. Any person who wilfully disturbs or interrupts any body of persons assembled for any moral or social purpose or entertainment, by profane discourse, by rude or indecent behaviour, or by making a noise, either within the place of assembly or so near it as to disturb the same, shall be liable to pay a fine of \$100.</p> <p><i>(Amended by Ord. 5 of 1983)</i></p>
Fire, careless use of	<p>11. Any person who by the careless or improper use of fire within any town, village, or settlement, or in any pine barren, forest, or plantation endangers any lives or property therein, shall be liable to be imprisoned for six months, or to pay a fine of \$1,000.</p> <p><i>(Amended by Ord. 5 of 1983)</i></p>
Prostitution	<p>12. Any prostitute or night walker loitering or being in any public place for the purpose of prostitution or solicitation, shall be liable to pay a fine of \$500.</p> <p><i>(Amended by Ord. 5 of 1983)</i></p>
Fortune telling, etc	<p>13. Any person who pretends or professes to tell fortunes or uses any subtle craft, means, or device, by palmistry, obeah, or otherwise, or who pretends to cure injuries or diseases, or effect any purpose by means of any charm, incantations, or other pretended supernatural practice, shall be liable to be imprisoned for a period not exceeding six months.</p>
Careless driving	<p>14. Any driver of any vehicle who shall be found riding in or on the same without having and holding the reins, or who shall be at such a distance from the same that he cannot have proper control over the animal or animals drawing the same, or who does not, in meeting any other vehicle, keep his vehicle to the left or near side, or does not, in passing any other vehicle, keep his vehicle to the right or off side, except in cases of actual necessity</p>

or some sufficient reason for deviation, shall be liable to pay a fine of \$500. (*Amended by Ords. 5 of 1983 and 9 of 1998*)

15. The owner of any cattle which shall be found at large in any public place, and any person who permits any cattle of which he has the charge or custody to be at large in any public place, shall be liable to pay a fine of \$50. (*Amended by Ord. 5 of 1983*)

Cattle at large

PART V

CRUELTY TO ANIMALS

16. Any person who wilfully tortures or cruelly ill-uses any animal shall be liable to be imprisoned for six months.

Cruelty to animals

17. Any person who rides, or works, or causes to be worked, any animal in such a condition as to be unfit for such work, whether that condition be caused by disease or deficient feeding or otherwise, shall be liable to pay a fine of \$100 or to imprisonment for three months or to both such fine and imprisonment. (*Amended by Ord. 5 of 1983*)

Working animal
unfit for work

18. Any person who—

Bull-baiting, etc

- (i) in any manner encourages or assists at the fighting or baiting of any bull, dog, cock, or other animal, whether domestic or wild; or
- (ii) keeps or uses or acts in the management of any place used for the purposes of fighting or baiting any such animal as aforesaid; or
- (iii) allows any place to be so used,

shall be liable to pay a fine of \$500.

(*Amended by Ord. 5 of 1983*)

19. Any person who tortures or causes unnecessary suffering to any animal which is required to be killed for food or any other necessary purpose, or in consequence of accidental injury or incurable disease, shall be liable to pay a fine of \$500. (*Amended by Ord. 5 of 1983*)

Torturing animal
required to be
killed

PART VI

VAGRANCY

Begging

20. (1) Any person who—

- (a) places himself in any public place for the purpose of begging or gathering alms; or
- (b) enters upon the property of another without the permission of the person entitled to occupation thereof or some other person authorised to give such permission and so enters for the purpose of begging or gathering alms,

commits an offence and is liable on conviction to a fine of \$100 or to imprisonment for one month.

(2) Nothing in subsection (1) applies to any person who solicits donations as an authorised collector for or on behalf of any public or charitable cause.

(Substituted by Ord. 5 of 1983)

Wandering

21. Any person wandering abroad and lodging in any barn, salthouse or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in a cart, or waggon, or boat, and not having any visible means of subsistence and not giving a good account of himself, shall be liable to be imprisoned for three months.

Vagrant found in
dwelling house,
etc

22. Any person being found between sunset and sunrise in, upon, or about any premises without being able to give a lawful excuse for being so there, shall be liable to be imprisoned for three months or to a fine of \$100. *(Amended by Ord. 5 of 1983)*

Frequenting with
intent

23. Every suspected person or reputed thief frequenting any wharf, quay, or warehouse, or any place of public resort, or any public place, with intent to commit an arrestable offence shall be liable to be imprisoned for six months. In proving the intent to commit any such offence, it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, but he may be convicted if, from the circumstances of the case and from his known character, as proved to the Magistrate, it appears to the Magistrate that his intent was to commit such offence.

24. Any person having in his possession any implement, or being armed with an offensive weapon, or any explosive matter or thing, or having upon him any instrument or material, with intent to commit any offence, shall be liable to be imprisoned for six months. (*Amended by Ord. 13 of 1985*)

Being in possession of article with intent to commit offence

PART VII

MISCELLANEOUS

25. Any person who, knowing that any execution, warrant, or other process of law has been awarded or issued for the seizure of anything belonging to him or in his possession, custody or control, removes, conceals, or in any manner disposes of the thing, with intent to defeat or evade the execution, warrant, or other process, shall be liable to be imprisoned for three months.

Moving goods to evade process

26. Any person who, without proper authority, conveys anything into or out of a prison, or delivers to or receives from a prisoner in a prison anything whatsoever, shall be liable to be imprisoned for three months.

Taking things into or out of prison

27. Any person who in any manner interferes with any convicted prisoner without the precincts of the prison, or delivers to or receives from him anything whatever, or permits him to enter his house, yard, or premises, unless by the request of the prison officer or person in charge of the prisoner, or assists him to absent himself or to neglect his work, shall be liable to be imprisoned for three months.

Interference with prisoners outside prison

28. Whoever erases, marks, defaces, obliterates or in any way alters any brand or other mark, or puts any false mark on any animal with fraudulent or malicious intent, shall be liable to a fine of \$100 and for any subsequent like offence shall be liable to imprisonment for six months. (*Amended by Ord. 5 of 1983*)

Altering brand

29. Any person who, without reasonable excuse, refuses or neglects to assist the Magistrate or any Justice of the Peace or police officer, when required so to do by such Magistrate, Justice of the Peace or police officer, in preventing a breach of the peace, or the escape of a convicted person, or the escape of any person from lawful custody, shall be liable to a fine of \$50 or to imprisonment for one month. (*Amended by Ord. 5 of 1983*)

Refusing to assist police officer, etc

30. Any person, in lawful custody of any police officer or other person, who escapes or attempts to escape from such

Escaping from custody

custody, shall be liable to be imprisoned for three months; but this section shall not be held to prevent any person escaping from lawful custody from being proceeded against under any other Ordinance, provided that no person shall be punished twice for the same offence.

Compensation
may be ordered

31. Any person who is convicted of an offence punishable under this Ordinance may in addition to any other punishment be adjudged by the Magistrate to make compensation, not exceeding \$500, to any person injured by his offence. (*Amended by Ord. 5 of 1983*)

Res judicata

32. When any person convicted of any offence by virtue of this Ordinance shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or shall have been discharged from his conviction by the Magistrate, he shall be released from all further or other proceedings for the same cause:

Provided that nothing in this section shall apply to the case of any person discharged by the Magistrate on the ground of want of jurisdiction:

Provided further that nothing in this section shall be a bar to further proceedings in respect of the same facts, or substantially the same facts, in any case in which a plea of *autrefois acquit* or *autrefois convict* could not be upheld under the provisions of sections 19 and 20 of the Criminal Procedure Ordinance.

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Aiders and
abettors

33. Any person who counsels, aids, abets or procures the commission of any offence punishable on summary conviction shall be liable to be tried and punished as a principal offender.

Saving of
offences
constituted by
other Ordinances

34. Nothing in this Ordinance shall be construed to abolish or limit the jurisdiction of the Magistrate's Court in respect of offences constituted by any other Ordinance and not specified in this Ordinance.

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