

CHAPTER 68:08

PRODUCE PROTECTION ACT

ARRANGEMENT OF SECTIONS

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AN ACT to make better provision for the prevention of praedial larceny and to provide for other matters incidental thereto. 5 of 1978

[27TH FEBRUARY, 1978]

1. This Act may be cited as the Produce Protection Act. Short title.

2. In this Act, unless the context otherwise requires:— Interpretation.

“Minister” means the Minister assigned responsibility for the maintenance of public safety and order;

“produce” means any commodity to which the Minister may, by order, direct that the provisions of this Act shall apply, which order may contain such qualifications, exceptions and conditions as the Minister thinks fit;

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“suspected person” means any person who has, or has had, in his possession or under his control any produce which a police constable, or any other person in the presence of a police constable, alleges was unlawfully obtained and for which the person alleged to be, or to have been, in possession or control cannot give an explanation satisfactory to the constable showing that it was not so obtained;

c. 51:02

“vehicle” has the same meaning assigned to it in the Motor Vehicle and Road Traffic Act.

Conveying
produce of
several
persons.
[6 of 1997]

3. (1) The person in charge of a vehicle or other means of conveyance in which the produce of more than one person is being conveyed shall—

(a) cause the produce to be placed in such a manner as to preserve the identity of ownership of the items of produce belonging to the respective persons;

(b) give to any police constable such information as may be requested of him by the police constable as to the produce found in the vehicle or other means of conveyance.

(2) Any person who fails to comply with the provisions of subsection (1) or, on being requested to give information pursuant to paragraph (b) of that subsection gives to a police constable false information shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars.

(3) For the purpose of the enforcement of the provisions of subsection (2) a police constable may, with respect to such a person as is mentioned in that subsection, exercise the powers conferred upon him by section 4.

Power to
arrest without
warrant.

4. Any police constable may—

(a) arrest a suspected person without a warrant,

(b) arrest without warrant—

(i) the occupier of any premises in which produce, suspected of having been unlawfully obtained, was found and for which the occupier could give no satisfactory explanation showing that it was there lawfully; and

(ii) any other person found therein if the constable has reasonable cause to suspect that that person placed, or was privy to the placing therein, of that produce;

(c) seize any produce being conveyed by a suspected person;

(d) seize any vehicle or other means of conveyance or any parcel or package in which produce was being conveyed by a suspected person.

5. A police constable may stop any vehicle or other means of conveyance and may examine that vehicle or other means of conveyance or any parcel or package of any kind found therein for the purpose of ascertaining whether any produce is being conveyed therein.

Power to stop and examine.

6. (1) If any person refuses to stop a vehicle or other means of conveyance under his control on request made by a police constable pursuant to section 5, or being a suspected person escapes from any police constable attempting to arrest him, he shall be liable on summary conviction to a fine of not less than thirteen thousand dollars nor more than thirty-two thousand five hundred dollars and upon application a warrant for the arrest of that person or suspected person and for the seizure of the vehicle or other means of conveyance, as the case may be, may be issued.

Issuing of warrants.
[6 of 1997]

(2) If information is given on oath to any magistrate that there is reasonable cause for suspecting that produce unlawfully obtained is concealed or lodged in any premises or other place whatsoever, the magistrate may, by warrant under his hand directed to any police constable, cause the premises or other place to be entered and searched at any time.

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Power to
require proof
of ownership.

7. Where in the course of an examination being carried out under section 5 produce is discovered the police constable may require the person in charge of the vehicle or other means of conveyance to give proof of ownership, or to give a satisfactory account of the presence of such produce.

Offence of
unlawful
possession of
produce.
[6 of 1997]

8. A suspected person shall, unless he can give an account satisfactory to the court showing the produce which is proved to have been in his possession or under his control came thereby to be in his possession or under his control by lawful means, be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for twelve months.

Presence of
produce on
premises or
other place.
[6 of 1997]

9. The occupier of any premises or other place in which produce alleged to have been unlawfully obtained is found shall, unless he can give to the court a satisfactory account that it was there lawfully, be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for twelve months.

Tracing
possession.
[6 of 1997]

10. (1) Where any person charged with an offence under section 8 or 9 declares before the court that he received the produce, the subject matter of the charge, for any other person, or that he was employed as a carrier, agent, or servant, for any other person, the court is hereby authorised, and required if practicable, to cause that other person, and also, if necessary, every other person through whose possession the produce has passed, or who has had control thereof, to be brought before it and to examine witnesses upon oath touching the produce, and if it appears to the court that any such person has had possession or control of the produce and had reasonable cause to believe it to have been unlawfully obtained. that person shall be deemed to have had possession or control of the produce at the time and place when and where it was found or seized, and shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for twelve months.

(2) For the purposes of this section the possession of a carrier, agent or servant shall be deemed to be the possession of the person who employed the carrier, agent or servant to convey the produce.

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11. (1) Pending or during the trial of any charge laid under this Act, a magistrate may make such order as he thinks fit for the disposal of any produce in respect of which that charge has been laid where it is shown to his satisfaction that the speedy and natural decay of such produce warrants such disposal and for the retention of any proceeds that may arise from the disposal pending the conclusion of the trial.

Forfeiture and sale of produce.

(2) Where any person is convicted of an offence under this Act, the court before which he is convicted may order that the produce in respect of which the offense has been committed as well as any vehicle or other means of conveyance, if any, used for the purpose of conveying such produce shall, unless an order to the contrary is made under section 76 or 81 of the Summary Jurisdiction (Procedure) Act, be sold and the proceeds of such sale or any sale effected pursuant to subsection (1), paid into the general revenue.

c. 10:02

12. For the purpose of any proceedings under this, or any other, law in respect of the possession or control of produce alleged to have been unlawfully obtained, where it is shown to the satisfaction of this court that—

Presumption produce unlawfully obtained.

(a) the person charged was in possession or control of the produce and at that time he was within five hundred yards of a place where produce of the type shown to have been in his possession or control, is grown; and

(b) within forty-eight hours of such possession or control produce of the said type was reported to the police to have been removed from that place without the consent of the owner or person in control of the place,

it shall be *prima facie* evidence that the produce shown to have been in the possession of the person charged was unlawfully obtained.

13. (1) Every person in charge of a vehicle which is being driven along a road in an area to which the Minister may by order declare that this section applies and in which vehicle produce of such description and quantity, as may be specified in that order is being conveyed, shall report

Report of conveyance along road of produce. [6 of 1997]

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himself to the officer in charge of every police station which he passes and give such information relating to the produce as may be required by that officer.

(2) Any person who fails to comply with subsection (1) shall on summary conviction be liable to a fine of thirty-two thousand five hundred dollars and to imprisonment for twelve months.

c. 51:02

(3) In this section “vehicle” means a goods vehicle defined in section 2 of the Motor Vehicle and Road Traffic Act and includes an animal drawn vehicle.

Trespassing on
land whereon
produce is
grown.

14. Any person found on land within an area declared by an order made under section 13(1) and whereon produce of the type mentioned in that order is being grown, shall, unless he can give to the court a satisfactory explanation of his presence on the land, be deemed to have trespassed thereon for the purpose of unlawfully removing produce therefrom and shall be liable on summary conviction to a fine of not less than six thousand five hundred dollars nor more than thirty-two thousand five hundred dollars and to imprisonment for twelve months.
