

**LAWS OF DOMINICA**

**PREVENTION OF CRIMES ACT**

**CHAPTER 12:31**

**Act**

**L.I. 1 of 1874**

**Amended by**

**L.I. 3 of 1920**

**L.I. 1 of 1927**

**19 of 1939**

**12 of 1990**

**Current Authorised Pages**

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
<i>1-11</i>	<i>1/1991</i>

*L.R.O. 1/1991*

**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

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**CHAPTER 12:31**

**PREVENTION OF CRIMES ACT**

**ARRANGEMENT OF SECTIONS**

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**CHAPTER 12:31**

**PREVENTION OF CRIMES ACT**

**AN ACT relating to the prevention of crimes.**

1961 Ed.  
Cap. 48.  
L.I. 1 of 1874.

Commencement.

[18th June 1874]

Short Title.

1. This Act may be cited as the –

**PREVENTION OF CRIMES ACT.**

Interpretation.  
[12 of 1990].

2. In this Act –

“crime” means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiring to defraud;

“offence” means any act or omission which is not a crime as defined by this Act, and is punishable on indictment or summary conviction.

Summary conviction.

3. Every offence against this Act shall be punishable on summary conviction.

Offences made punishable.

4. (1) Any person who does any one or more of the following acts, that is to say –

(a) uses violence to any person or any property;

(b) threatens or intimidates any person in such a manner as would justify a Magistrate, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace;

(c) molests or obstructs any person in a manner defined by this section with a view to coerce such person,

is liable to a fine of two hundred and fifty dollars or to imprisonment for three months.

(2) A person shall, for the purposes of this Act, be deemed to molest or obstruct another person in any of the following cases:

(a) if he persistently follows such person about from place to place;

- (b) if he hides any tools, clothes, or other property, owned or used by such person, or deprives him of, or hinders him in, the use thereof;
- (c) if he watches or besets the house, or other place, where such person resides, or works, or comes on business, or happens to be, or the approach to such house or place, or if, with two or more other persons, he follows such person in a disorderly manner in or through any street or road.

(3) Nothing in this section shall prevent any person from being liable under any other Act, or otherwise, to any other or higher punishment than is provided for any offence by this section, so, however, that no person be punished twice for the same offence: Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that the act restrains, or tends to restrain, the free course of trade, unless the act is one of the acts hereinbefore specified in this section and is done with the object of coercing as mentioned above.

5. (1) Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes, be guilty of an offence against this Act, and be liable to imprisonment for one year, under the following circumstances or any of them:

Punishment of persons previously convicted.

- (a) if, on his being charged by a constable with getting his livelihood by dishonest means and, being brought before a Magistrate, it appears to the Magistrate that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means;
- (b) if, on being charged with any offence punishable on indictment or summary conviction, and on being required by a Magistrate to give his name and address, he refuses to do so, or gives a false name or false address;
- (c) if he is found in any place, whether public or private, under such circumstances as to satisfy the Magistrate, before whom he is brought, that he was about to commit, or to aid in the commission of, any offence

punishable on indictment or summary conviction, or was waiting for an opportunity to commit, or aid in the commission of, any offence punishable on indictment or summary conviction;

(d) if he is found in or upon any dwelling-house or any building, yard or premises, being parcel of or attached to the dwelling-house or in or upon any shop, warehouse, counting-house, curing-house, boiling-house or other place of business, or in any garden, orchard, pleasure-ground or nursery-ground, without being able to account to the satisfaction of the Magistrate before whom he is brought for his being found on such premises.

(2) Any person charged with being guilty of any offence against this Act mentioned in this section may be taken into custody as follows, that is to say –

(a) in the case of any offence mentioned in subsection (1)(a), by any constable without warrant, if the constable is authorised to do so by the Commissioner of Police;

(b) in the case of any offence mentioned in subsection (1)(c), by any constable without warrant, although the constable is not specially authorised to take him into custody;

(c) when he is charged with being guilty of an offence mentioned in subsection (1)(d), he may, without warrant, be apprehended by any constable, or by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorised by the owner or occupier, and may be detained until he can be delivered into custody of a constable.

Persons subject  
to supervision of  
police.

**6.** Where any person is convicted on indictment of a crime, and a previous conviction of a crime is proved against him, the Court having cognizance of the indictment may, in addition to any other punishment which it may award to him, direct that he is to be subject to the supervision of the police for a period of seven years or such less period as the Court may direct, commencing immediately after the expiration of the sentence passed on him for the last of such crimes.

7. Any person subject to the supervision of the police who is at large in the State shall notify the place of his residence to the chief officer of police, and shall, whenever he changes his residence, notify the change to the chief officer of police; moreover, every person subject to the supervision of the police, if a male, shall once in each month report himself, at such time as may be prescribed by the chief officer of police of the district in which the person may be, either to the chief officer himself, or to such other person as that officer may direct, and the report may, according as the chief officer directs, be required to be made personally or by letter.

Duties of persons subject to supervision.

8. If any person, subject to the supervision of the police, who is at large in the State remains in any place for forty-eight hours without notifying the place of his residence to the chief officer of police, or fails to comply with the requisitions of section 7 on the occasion of any change of residence, or with the requisitions of section 7 as to reporting himself once in each month, he is, in every such case, unless he proves to the satisfaction of the Magistrate before whom he is tried that he did his best to act in conformity with the law, is liable to imprisonment for one year.

Punishment for not notifying residence.

9. The provisions contained in the Indictments Act in relation to the form of, and the provisions contained in the Criminal Procedure Act in relation to the proceeding upon, an indictment for any indictable offence committed after a previous conviction for any indictable or summary offence shall, with the necessary variations, apply to any indictment for committing a crime as defined by this Act after previous conviction for a crime, whether the crime charged in the indictment or the crime to which the previous conviction relates is or is not punishable under the said Act.

Indictments under this Act.  
Ch.12:02.  
Ch.12:01.

10. (1) Any person who occupies or keeps any lodging-house, beer-house, public-house, or other house or place where intoxicating liquors are sold, or any place of public entertainment or public resort, and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble therein, or knowingly allows a deposit of goods therein, having reasonable cause for believing them to be stolen, is guilty of an offence and is liable to a fine of five hundred dollars, and the Magistrate before whom he is brought may, if he thinks fit, in addition to, or in lieu of, any fine, require him to enter into recognizances, with or without sureties, for keeping the peace or being of good behaviour during twelve months; but –

Harbouring thieves and stolen goods.

Not finding sureties.

(a) no person shall be imprisoned for not finding sureties in pursuance of this section for a longer period than three months; and

Amount of surety.

(b) the security required from a surety shall not exceed one thousand dollars.

Licence may be forfeited.

(2) Any licence for the sale of any intoxicating liquors, or for keeping any place of public entertainment or public resort, which has been granted to the occupier or keeper of any such house or place mentioned in subsection (1), may, in the discretion of the Magistrate, be forfeited on his first conviction of an offence under this section; and, on his second conviction of such an offence, his licence shall be forfeited and he shall be disqualified for a period of two years from receiving any such licence; moreover, where two convictions under this Act have taken place within a period of three years in respect of the same premises, whether the persons convicted were or were not the same, the Magistrate shall direct that, for a term not exceeding one year from the last of such convictions, no such licence as aforesaid shall be granted to any person whatever in respect of such premises; and any licence granted in contravention of this section shall be void.

Penalty for refusing to produce licence.

(3) Any licensed person brought before a Magistrate in pursuance of this section shall produce his licence for examination and, if the licence is forfeited, shall deliver it up altogether; and if such person wilfully neglects or refuses to produce his licence, he shall, in addition to any other penalty under this section, be liable on summary conviction to a fine of two hundred and fifty dollars.

Offences in respect of keeping brothels.

11. Any person who occupies or keeps a brothel and knowingly lodges or knowingly harbours thieves or reputed thieves, or knowingly permits or knowingly suffers them to meet or assemble in any premises occupied by him, or knowingly allows the deposit of goods therein having reasonable cause for believing them to be stolen, is liable to a fine of five hundred dollars, and the Magistrate before whom he is brought may, if he thinks fit, in addition to, or in lieu of, any fine, require him to enter into recognizances, with or without sureties, as in the Act described.

Frequenting dock or basin with intent to commit felony.  
[12 of 1990].

12. Any suspected person or reputed thief frequenting any dock or basin, or any quay, wharf or warehouse, near or adjoining thereto, or any street, highway or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway or any place



adjacent to a street or highway, with intent to commit a felony, is guilty of an offence and shall be deemed a rogue and vagabond and may be apprehended without a warrant; and he shall be liable to imprisonment for three months. In proving the intent to commit a felony, 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, and he may be convicted if, from the circumstances of the case, and from his known character as proved to the Magistrate before whom he is brought, it appears to the Magistrate that his intent was to commit a felony.

13. (1) Any constable may, under the circumstances hereafter in this section mentioned, be authorised in writing by the Commissioner of Police to enter and, if so authorised, may enter any house, shop, warehouse, yard or other premises in search of stolen property, and search, seize and secure any property he may believe to have been stolen in the same manner as he would be authorised to do if he had a search warrant, and the property seized, if any, correspond to the property described in the search warrant. Constables may search premises.

(2) In every case in which any property is seized in pursuance of this section, the person on whose premises it was, shall, unless previously charged with receiving the same knowing it to have been stolen, be summoned before a Magistrate to account for his possession of the property, and the Magistrate shall make such order respecting the disposal of the property and may award such costs as the justice of the case may require.

(3) The Commissioner of Police may give such authority as aforesaid in the following cases, or either of them:

- (a) when the premises to be searched have been, within the preceding twelve months, in the occupation of any person who has been convicted of receiving stolen property, or of harbouring thieves; or
- (b) when the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by imprisonment;

and it shall not be necessary for the Commissioner of Police, on giving such authority, to specify any particular property, but he may give such authority if he has reason to believe generally that the premises are being made a receptacle for stolen goods.

How previous conviction may be proved.

14. (1) A previous conviction may be proved in any legal proceeding whatever against any person by producing a record or extract of the conviction, and by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or extract of conviction to have been convicted.

Ch.4:20.

(2) A record or extract of a conviction shall, in the case of an indictable offence, consist of a certificate containing the substance and effect only (omitting the formal part of the indictment and conviction), and purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court by which the conviction was made or purporting to be signed by the deputy of such Clerk or officer, and, in the case of a summary conviction, shall consist of a copy of the minutes or memorandum of the conviction entered in the register required to be kept under the provisions of the Magistrate's Code of Procedure Act, purporting to be signed by the Magistrate by whom or by whose Clerk the register is kept, or purporting to be signed by such Clerk.

(3) A record or extract of any conviction made in pursuance of this section shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

(4) A previous conviction in the High Court of any member State of the Organisation of Eastern Caribbean States may be proved against a prisoner.

(5) A fee, not exceeding fifteen dollars, may be charged for a record of a conviction given in pursuance of this section.

(6) The mode of proving a previous conviction authorised by this section shall be in addition to and not in exclusion of any other authorised mode of proving such conviction.

Evidence against persons having received stolen property.

15. (1) Where proceedings are taken against any person for having received goods knowing them to be stolen or for having in his possession stolen property, evidence may be given at any stage of the proceedings that there was found in the possession of that person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that that person knew the property to be stolen which forms the subject of the proceedings taken against him.

(2) Where proceedings are taken against any person for having received goods knowing them to be stolen or for having in his possession stolen property, and evidence has been given that the stolen property has been found in his possession, then, if that person has, within five years immediately preceding, been convicted of any offence involving fraud or dishonesty, evidence of the previous conviction may be given at any stage of the proceedings, and may be taken into consideration for the purpose of proving that the person accused knew the property, which was proved to have been in his possession, to have been stolen; provided that not less than seven days' notice in writing has been given to the person accused that proof is intended to be given of the previous conviction; and it shall not be necessary for the purposes of this section to charge in the indictment the previous conviction.

16. This Act shall not affect the infliction of capital punishment in any case where capital punishment would have been inflicted if this Act had not been passed.

Saving as to capital punishment.

17. Any person may apprehend any other person found committing any indictable offence in the night, and convey him or deliver him to some constable or other peace officer in order to his being conveyed, as soon as conveniently may be, before a Magistrate to be dealt with according to law.

Any person may apprehend.

18. Any person, liable to be apprehended under the provisions of this Act, who assaults, or offers any violence to, any person by law authorised to apprehend or detain him, or to any person acting in his aid and assistance, is liable to imprisonment for three years.

Punishment for assaulting persons apprehending others.

19. The time at which the night shall commence and conclude in any offence against the provisions of this Act shall be the same as in cases of burglary.

Night.

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