



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.36 **SMALL CHARGES ACT**

Revised Edition
showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

SMALL CHARGES ACT

Act 11 of 1891 ... in force 1st March 1892

Amended by: Act 24 of 1971
Act 6 of 1976
Act 7 of 1976
Act 25 of 1976
Act 9 of 1986
Act 8 of 1994
Act 6 of 2002
Act 30 of 2005
Act 19 of 2009
Act 15 of 2011

Page
3

Published in
2019
Consolidated, Revised and Prepared under the Authority of the Law Commission Act,
on behalf of the Government of Saint Christopher and Nevis
by
The Regional Law Revision Centre Inc.,
P.O. Box 1626, 5 Mar Building,
The Valley, AI-2640, Anguilla,
West Indies.

Available for purchase from—

Attorney General's Chambers,
Government Headquarters, P.O. Box 164,
Church Street, Basseterre, St. Kitts,
West Indies

Tel: (869) 465-2521

Ext. 1013

Tel: (869) 465-2127

Fax: (869) 465-5040

Email: attorneygeneral@gov.kn

© Government of Saint Christopher and Nevis
All rights reserved. No part of this publication may be reproduced in any form or by any means
without the written permission of the Government of Saint Christopher and Nevis except as
permitted by the Copyright Act or under the terms of a licence from
the Government of Saint Christopher and Nevis.

CHAPTER 4.36
SMALL CHARGES ACT
ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

ARREST OF CERTAIN OFFENDERS

3. Apprehension of persons found loitering, etc.
4. Arrest of person found carrying arms, etc.
5. Warrant for apprehension of idle and disorderly person, etc.
6. Warrant to search for and apprehend idle and disorderly person, etc.

PART III

OFFENCES

7. Property of idle and disorderly person, etc.

Carnival

8. Proclamation of and Regulations for Carnival, Culturama and related matters
9. Abuse and bad language
10. Aiders and abettors in offences punishable on summary conviction
11. Annoyance in public place
12. Arms and other offensive weapons
13. Assault
14. Begging
15. Boats, removing
16. Dancing or other amusement
17. Depasturing stock
18. Disorderly conduct
19. Disorderly house
20. Driving and riding
21. Animals in public place
22. Vehicles to be marked
23. Drunkenness
24. Escaping from legal confinement or custody
25. Family, neglect or desertion of
26. Fire
27. Fireworks, firearms, etc.
28. Gambling
29. Harboursing thieves, etc.
30. Incurable rogues
31. Indecency

32. Summary trial of indictable offences created by certain sections of the Larceny Act
33. Malicious damage
34. Nuisances
35. Offences for which no punishment provided
36. Officers neglecting their duty
37. Police, hindrance, assault obstruction of, etc.
38. Posting placards and defacing buildings, etc.
39. Pretending to tell fortunes, etc.
40. Prostitution
41. Refusal to assist police officer, etc.
42. Refusing to give name, etc.
43. Riotous conduct
44. Rogues and vagabonds
45. Receiving and being in possession of property stolen or unlawfully obtained
46. Taking horses, etc.
47. Threats
48. Throwing missile in thoroughfare
49. Trading on Sundays, etc.
50. Trespass on land, etc.
51. Vagrancy
52. Vagrancy with burglars tools or with arms, etc.
53. Vagrants assaulting or resisting the police
54. Violence
55. Wounding
56. Control of music in public places
57. Power to suspend operation of section 56

PART IV

PROCEDURES

58. Offences punishable on summary conviction
 59. Form of conviction as idle and disorderly person, etc.
 60. Powers of Magistrate as to property of idle and disorderly person, etc.
- SCHEDULE: Form of Conviction of Idle and Disorderly Person, etc.

CHAPTER 4.36
SMALL CHARGES ACT

AN ACT TO MAKE PROVISION RESPECTING SMALL CHARGES; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the Small Charges Act.

Interpretation.

2. In this Act, “public place” includes any highway, road, street, lane, square, sidewalk, court, wharf, pier, jetty, bridge, shop, alley or passage, whether a thoroughfare or not, and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise; and the doorways, fences and entrances of premises abutting on any public place (as herein-before defined) and any ground adjoining and open to any public place shall be treated as forming part of the public place.

(Substituted by Act 25 of 1976)

PART II
ARREST OF CERTAIN OFFENDERS

Apprehension of persons found loitering, etc.

3. (1) A person who—
 - (a) is found loitering in any place without giving satisfactory account of himself or herself;
 - (b) conducts himself or herself in an idle and disorderly manner within the meaning of this Act; or
 - (c) is found to be a rogue and vagabond or an incorrigible rogue within the meaning of this Act,

commits an offence, and shall be liable, on summary conviction, to a fine of two thousand five hundred dollars or to imprisonment for a period of not less than three years.

- (2) A person found committing any of the offences referred to in subsection (1) of this section may be apprehended by any person and forthwith taken and delivered before a Magistrate or delivered to a police constable or peace officer to be taken and delivered before a Magistrate who shall deal with the accused person in accordance with the provisions of this Act.

- (3) Where a police constable or other peace officer—

- (a) refuses or wilfully neglects to take a person found committing any of the offences referred to in subsection (1) of this section into his or her custody and to take and deliver that person before a Magistrate; or
- (b) does not use his or her best endeavours to take and deliver before a Magistrate a person found committing any of the offences referred to in subsection (1) of this section,

he or she commits the offence of neglect of duty, and shall, on summary conviction, be punished in accordance with the provisions of section 36 of this Act.

(4) For the purposes of this section, loitering means travelling or walking indolently or lingering.

(Amended by Act 19 of 2009)

Arrest of person found carrying arms, etc.

4. Any peace officer may arrest any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, who shall be unable to afford a satisfactory reason for the possession of the same, and take such person before a Magistrate.

Warrant for apprehension of idle and disorderly person, etc.

5. It shall be lawful for any Magistrate upon oath being made before him or her, that any person has committed or is suspected of having committed any offence, upon conviction for which he or she would be deemed to be an idle and disorderly person, or a rogue and a vagabond, or an incorrigible rogue within the meaning of this Act, to issue his or her warrant to apprehend and bring before him or her or some other Magistrate the person so charged to be dealt with as directed by this Act.

Warrant to search for and apprehend idle and disorderly person, etc.

6. It shall be lawful for any Magistrate upon information on oath before him or her made, that any person herein described as an idle and disorderly person or as a rogue and a vagabond, or as an incorrigible rogue, is, or is reasonably suspected to be, harboured or concealed in any house kept or purported to be kept for the reception, lodging or entertainment of travellers, by warrant under his or her hand and seal, to authorise any constable or other person or persons to enter at any time into such house and to apprehend and bring before him or her or any other Magistrate every such idle and disorderly person, rogue and vagabond, and incorrigible rogue as shall be found therein, to be dealt with in the manner herein directed.

PART III

OFFENCES

Property of idle and disorderly person, etc.

7. It shall be lawful for any constable, peace officer or other person apprehending any person charged with being an idle and disorderly person, or a rogue and a vagabond or an incorrigible rogue to take any horse, mule, ass, cart, car, caravan or other vehicle or goods, in the possession or use of such person and to take and convey the same as well as such person before some Magistrate.

*Carnival***Proclamation of and Regulations for Carnival, Culturama and related matters.***(Amended by Act 15 of 2011)*

8. (1) The Cabinet may, by notice published in the *Gazette*, define the period in any year to be known as the Carnival period, (which need not be a period of consecutive days) during which, subject to the regulations made under subsection (2) of this section, persons may appear masked or otherwise disguised.

(2) It shall not be lawful for any person to organise any carnival, bands, musical or otherwise except in accordance with regulations made under subsection 3 of this section.

(3) The Cabinet may make regulations for the Carnival—

- (a) prescribing and limiting the conditions under which persons may appear masked or otherwise disguised in or on any vehicle or in any street or public place;
- (b) prescribing what substances may be thrown by or at persons;
- (c) prescribing and limiting the conditions under which persons may organise carnival bands;
- (d) requiring the registration of steel bands and other musical bands;
- (e) requiring the issue of licences for vehicles to carry masqueraders;
- (f) prohibiting persons from indulging in behaviour or gestures which are immoral, lewd or offensive; and
- (g) generally for the proper conduct of persons and the preservation of the peace.

(4) All such regulations shall be published in the *Gazette*.

(5) Except when participating in a National Carnival or Culturama parade or other official festival or pageant, a person who—

- (a) without lawful excuse, appears masked or otherwise disguised; or
- (b) during a National Carnival, Culturama parade or other official festival or pageant, contravenes any regulation made under this section,

commits an offence, and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

(6) Every person who, being masked or otherwise disguised, unlawfully assaults, beats or robs any other person, or commits any other offence, commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding two years.

(Inserted by Act 24 of 1971 as section 7A and was renumbered as section 8 at the 2002 cut-off date. Consequently sections 8 to 54 were renumbered as sections 9 to 55. Amended by Act 15 of 2011)

(7) Every person who, without lawful excuse, is found in possession of a mask in a public place commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

(Inserted by Act 15 of 2011)

Abuse and bad language.

9. Any person who makes use of any abusive, blasphemous, indecent, insulting, profane or threatening language—

- (a) in any public place;
- (b) in any place to the annoyance of the public; or
- (c) tending to a breach of the peace,

shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding one month.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Aiders and abettors in offences punishable on summary conviction.

10. Every person who aids, abets, counsels or procures the commission of any offence which is punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his or her conviction, and shall also be liable on conviction to the same forfeitures and punishments and to make the same payments as those to which the principal offender would be liable, and he or she may be proceeded against and convicted either in the place where the principal offender may be triable or in that in which the offence of aiding, abetting, counselling or procuring was committed.

Annoyance in public place.

11. (1) Any person who in any public place persists, after being warned not to do so by any other person, a Police Officer, Local or Special Constable in accompanying or following such other person about for the purpose of—

- (a) soliciting alms or employment;
- (b) satisfying idle curiosity; or
- (c) annoying,

shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding fourteen days.

(2) Any person who harasses another person on a beach or any other public place commits an offence and shall be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding twelve months, or both.

(3) For the purposes of this section, “harass” includes troubling, disturbing or pestering whether once or repeatedly.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Arms and other offensive weapons.

12. Any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon or any other offensive weapon or any explosive matter or thing, who is unable to afford a satisfactory reason for the possession of the same, shall be liable to a fine not exceeding three thousand five hundred dollars, or to imprisonment for a term not exceeding one month, and in addition to any such penalty, the Magistrate may take from any such person any such gun, pistol, hanger, cutlass, bludgeon or other offensive weapon.

(Amended by Acts 7 of 1976, 8 of 1994, 9 of 1986 and 30 of 2005)

Assault.

13. (1) Any person who assaults or beats any other person, shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding two months.

(2) Any person who, in the opinion of the Magistrate, is guilty of an aggravated assault—

(a) on any male child whose age does not, in the opinion of the Magistrate, exceed fourteen years; or

(b) upon any female,

shall be liable to a fine not exceeding five thousand fifty dollars, or to imprisonment for a term not exceeding six months.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Begging.

14. (1) Any person wandering abroad or placing himself or herself in any public place to beg or gather alms, shall be deemed an idle and disorderly person within the meaning of this Act, and shall be liable to a fine not exceeding three thousand, five hundred dollars, or to imprisonment for a term not exceeding one month.

(2) Any person—

(a) wandering abroad and endeavouring by the exposure of wounds or deformities; or

(b) going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence,

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Boats, removing.

15. Any person who takes or attempts to take any boat, canoe or raft from or out of any mooring, wharf, boathouse, beach, landing stage or other place, for the purpose of using the same, without the consent of the person or persons entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, shall be liable to a fine not exceeding three thousand five hundred dollars, and the payment of such fine, or the suffering of any imprisonment in default of such payment, shall not affect the right of action of the party aggrieved.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Dancing or other amusement.

16. (1) Any person who receives in any house or place for the purpose of dancing or other amusement for money or other payment or reward, without having obtained a licence for such purpose from a Magistrate under his or her hand and seal (which licence it shall be discretionary in the Magistrate to grant or withhold) shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(2) Any peace officer may enter any house or place where dancing or other amusement shall be going on for money or other payment or reward, or where any persons shall be assembled for such purpose, without a licence as provided for in

subsection (1), and warn all persons received therein to leave and disperse, and any person remaining in such house or place after such warning, or not dispersing when required so to do by the peace officer, shall be deemed to be an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding one month.

Depasturing stock.

17. Any person who unlawfully and maliciously places, fastens and depastures any animal on any land or on any public thoroughfare, shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding one month.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Disorderly conduct.

18. (1) Any person who in any public place conducts himself or herself in a disorderly manner, or conducts himself or herself in such a noisy manner as to disturb the neighbourhood, shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding one month.

(2) If any person shall conduct himself or herself in his own house or premises, or shall suffer or allow any other person so to conduct himself or herself therein as to repeatedly annoy or disturb the neighbourhood, any person annoyed or disturbed thereby may complain to a Magistrate, who may if he or she is satisfied that there are good grounds for such complaint cause the person so offending to be warned, and if after such warning such person shall within three months so conduct himself in his or her own house or premises, or shall suffer or allow any other person so to conduct himself or herself therein as to annoy or disturb the neighbourhood, he or she shall be liable to a fine not exceeding three thousand five hundred dollars, or imprisonment for a term not exceeding one month.

(3) Any person who behaves profanely or irreverently or indecently or in a disorderly manner, or who smokes in any building appropriated for religious worship during the performance of any religious service therein, or in any churchyard or cemetery during the performance of any religious service on the interment of the dead, shall be liable to a fine not exceeding three thousand five hundred dollars.

(4) Any person who wilfully disturbs, interrupts or disquiets any body of persons assembled for any moral, social or benevolent purpose by profane discourse, by rude or indecent behaviour or by making a noise, either within the place of such assembly or so near it as to disturb the same, shall be liable to a fine not exceeding three thousand five hundred dollars.

(5) Any person who—

- (a) at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which, the meeting was called together, commits an offence and liable to a fine not exceeding three thousand five hundred dollars; and
- (b) incites others to commit an offence under this section commits a like offence.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Disorderly house.

19. (1) Any person who keeps a disorderly house or a brothel, in any town or village, or allows his or her house to be a disorderly house or to be used as a brothel, shall be liable to a fine not exceeding three thousand five hundred dollars.

(2) Upon the complaint on oath, made to any Magistrate by any two or more respectable freeholders or householders that any person in their neighbourhood keeps a disorderly house to the nuisance of those in its vicinity, it shall be lawful for such Magistrate to inquire into the case, and if the complaint be duly proved, the offender shall be liable to a fine not exceeding three thousand five hundred dollars.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Driving and riding.

20. (1) Any person who rides or drives furiously in any public place in such a manner as is calculated to endanger the life or limb of persons lawfully in and upon such public place, shall be liable to a fine not exceeding two thousand dollars.

(2) Any person who wilfully or carelessly drives any animal, or drives any vehicle against any other person or against any other animal or vehicle, being ridden or driven respectively by any other person in any public place, shall be liable to a fine not exceeding two thousand dollars.

(3) Any driver of any vehicle who is found riding in or on the same without having and holding the reins, or who, when holding the reins ride on the shaft of such vehicle, or is at such a distance from the same that he or she cannot have proper control over the animal or animals drawing the same, or who shall not observe the customary rules of the road when meeting or passing or being passed or overtaken by any vehicle, shall be liable to a fine not exceeding two thousand dollars.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Animals in public place.

21. Any person in charge of any animal or animals in any public place who shall wilfully be at such a distance from such animal or animals that he or she cannot have proper control over such animal or animals so in his or her charge, shall be liable to a fine not exceeding two thousand dollars.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Vehicles to be marked.

22. Any person being the owner of any cart, dray or wagon which is in use, without having the name of the owner legibly marked on the off or right-hand side thereof with paint, shall be liable to a fine not exceeding two thousand dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Drunkenness.

23. (1) Any person found drunk in any public place or on any licensed premises, shall be liable to a fine not exceeding twenty-five dollars; and on a second conviction within a period of twelve months, shall be liable to a fine not exceeding two thousand dollars; and on any subsequent conviction within such period of twelve months shall be liable to a fine not exceeding two thousand dollars.

(2) Any person who, in any public place, is drunk when—

(a) in charge of any motor car or other vehicle propelled by mechanical power and so constituted that no smoke or visible vapour is emitted

therefrom, except from any temporary or accidental causes, carriage, cart, cattle, horse or steam engine; or

(b) in possession of any loaded firearm,

shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one month.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Escaping from legal confinement or custody.

24. (1) Any person who breaks or escapes out of any place of legal confinement before the expiration of the term for which he or she shall have been convicted, or ordered to be confined, by virtue of this Act, shall be deemed an incorrigible rogue within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

(2) Any person in lawful custody of any police officer, or other person, who escapes, or attempts to escape, from such custody, shall be liable to imprisonment for a term not exceeding three months; but this section shall not be held to prevent any person escaping from lawful custody from being proceeded against under any other Act:

Provided that no person shall be punished twice for the same offence.

Family, neglect or desertion of.

25. (1) Any person being wholly or in part able to maintain his or her children, whether legitimate or born out of wedlock, and if a male his wife, by work or by other lawful means, and wilfully refusing or neglecting to do so, shall be deemed to be an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding one month.

(2) Any person who deserts his wife or children shall be liable to imprisonment for a term not exceeding three months.

(3) Any person who runs away and leaves his wife or his or her child or children, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(Amended by Act 19 of 1983)

Fire.

26. (1) Any person who in any place carelessly carries or uses any fire shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding one month.

(2) Any person who by the careless or improper use of fire within any city, town or village endangers any lives or property therein, shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Fireworks, firearms, etc.

27. (1) Any person who, except with the permission of the Minister—

(a) discharges any cannon;

(b) lets off, or assists in letting off any fireworks;

- (c) lights, or assists in lighting any bonfire; or
- (d) carries any flaming torch, or naked light for any purpose other than the exercise of a lawful trade or occupation,

in any public place in any city, town or village, or within one hundred yards thereof, shall be liable to a fine not exceeding three thousand five hundred dollars.

(2) Any person who discharges any gun, pistol or other firearm in any public place or within one hundred yards thereof, except on some lawful and necessary occasion, shall be liable to a fine not exceeding three thousand five hundred dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Gambling.

28. (1) Any person who knowingly permits any building or place in his or her occupation to be used for the purpose of gaming therein shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(2) Any Magistrate or Justice of the Peace (other than an officer of the Police) who is satisfied by proof upon oath that there is reasonable ground for believing that any place is kept or used as a gaming house, may, by warrant authorise any police officer, with such assistance and by such force as may be necessary, by night or by day, to enter such place, and to search the same and all persons found therein, and to take into custody all persons, and to seize all instruments and appliances for gambling, and all moneys or securities for money found therein or in the possession of any person escaping therefrom:

Provided that whenever, owing to the lateness of the hour, it shall be inconvenient to obtain a warrant, then it shall be lawful for any commissioned officer of the Police Force, or any police officer not under the rank of corporal, by night, without warrant, to enter any place which he or she has reasonable grounds for believing is kept as a gaming house, and any such officer shall, upon such entry, have the same powers of search, arrest and seizure as may be exercised by a police officer duly authorised by warrant under this section:

Provided that no such entry without a warrant shall be made unless such officer is, at the time of entry, in the dress and uniform of the Police Force.

(3) If any instruments or appliances for gambling are found in any place entered under the provisions of this section, or upon any person found therein or escaping therefrom, it shall be evidence, until the contrary be made to appear, that such place is used as a gaming house, and that the persons found therein or escaping therefrom were playing therein, although no play was actually going on in the presence of the police officer entering such place, under the provisions of this Act, or in the presence of those persons by whom he or she shall be accompanied as aforesaid: and it shall be lawful for the Magistrate before whom any person shall be taken to direct all such instruments or appliances of gaming to be forthwith destroyed.

(4) Every person found in any such place without lawful excuse shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding three months.

(5) Any person who is concerned in holding a lottery shall be liable to a fine not exceeding one thousand five thousand dollars.

(6) Any person playing or betting in any street, road, highway or any other open or public place at or with any table or instrument of gaming, at any game or

pretended game of chance, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(7) In this section, “gaming house” means any building or premises kept or used by any person without lawful authority for the purpose of directly or indirectly making gain by providing any facilities for betting or for the playing of any game of chance for money or money’s worth.

(8) Nothing in this section shall apply to any lottery, sweepstake, parimutuel or pool betting organised and controlled by an approved turf club in the State at or in connection with any race meeting held by or under the auspices of such club.

(9) In subsection (8), the expression “approved turf club” means any turf club or racing association which has applied for and obtained the approval of the Minister with the advice of the Cabinet to organise lotteries, sweepstakes, parimutuels or pool bettings generally at or in connection with race meetings.

(Amended by Acts 6 of 1976, 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Harbouring thieves, etc.

29. Any person who knowingly—

- (a) lodges or harbours thieves or reputed thieves; or
- (b) suffer thieves or reputed thieves to meet or assemble in any premises under his or her control; or
- (c) allows the deposit of goods in any premises under his or her control, having reasonable cause for believing them to be stolen,

shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding six months.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Incorrigible rogues.

30. Any person, committing any offence against this Act, by reason whereof he or she shall be deemed to be a rogue and a vagabond within the meaning of this Act, such person having been at some former time adjudged so to be and duly convicted thereof, shall be deemed an incorrigible rogue within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

Indecency.

31. (1) Any person who behaves in an indecent manner in a public place, shall be liable to imprisonment for a term not exceeding one month.

(2) Any person who writes or draws any indecent word or figure or representation in any public place shall be liable to a fine not exceeding two thousand dollars.

(3) Any person who wilfully—

- (a) exposes in any public place any obscene print, picture, photograph or other indecent exhibition;
- (b) exposes or causes to be exposed to public view in the window or other part of any shop or other building situated in a public place, any obscene print, picture, photograph or other indecent exhibition;
- (c) exposes his or her person in any public place, or in view thereof,

shall be deemed a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(4) Any person who is concerned in the publishing or circulating or who suffers to be published or circulated in any newspaper or otherwise—

- (a) any indecent matter;
- (b) any advertisement regarding the cure of venereal complaints or secret diseases,

shall be liable to a fine not exceeding five thousand dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Summary trial of indictable offences created by certain sections of the Larceny Act.

32. Any person who commits any of the offences created by sections 4, 6, 7, 11, 15, 16, 17, 18, 19 and 25 of the Larceny Act, Cap. 4.16 or who attempts to commit, aid, abet, counsel or procure the commission of any such offence where the amount or value of the property in respect of which the offence is committed, in the opinion of the Magistrate, does not exceed twenty thousand dollars, shall be liable, on summary conviction, to imprisonment for a term not exceeding three years:

Provided that the Magistrate may, in his or her discretion, abstain from trying the offence summarily and may commit the offender for trial for an indictable offence.

(Amended by Acts 9 of 1986, 8 of 1994, 6 of 2002 and 30 of 2005)

Malicious damage.

33. Any person who unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, the value of which, in the opinion of the Magistrate, does not exceed twenty thousand dollars, shall be liable to a fine not exceeding twenty thousand dollars, or to imprisonment for a term not exceeding three years:

Provided that the Magistrate may, in his or her discretion, abstain from trying the case summarily, and may commit the offender for trial for an indictable offence:

Provided also, that if, in the opinion of the Magistrate, the amount of the damage exceeds five thousand dollars, and the offender objects to be tried summarily, the Magistrate shall abstain from trying the case summarily and shall commit the offender for trial for an indictable offence.

(Amended by Act 7 of 1996, 6 of 2002 and 30 of 2005)

Nuisances.

34. (1) Any person who, in any public thoroughfare—

- (a) causes any vehicle with or without horses to stand longer than is necessary for the purpose of loading or unloading after being warned to depart;
- (b) by any means causes an obstruction;
- (c) flies any kite, hoists any flag, discharges any firearm or plays any game in or near to such public thoroughfare as aforesaid to the common danger or annoyance of passengers;
- (d) lays or throws down any article or thing to the inconvenience of the passengers or neighbouring residents (except building materials to be

used in the immediate neighbourhood or rubbish occasioned by such building which shall be so placed as not to cause any mischief to passengers or unless any such act as aforesaid is done in conformity with any regulation of a Town or Country Board or a Board of Health);

- (e) empties or begins to empty any privy or remove any nightsoil between the hours of 5 a.m. and 10 p.m., or wilfully and carelessly spills any such offensive matter as aforesaid, or throws down any nightsoil, dirt, litter, ashes, broken glass, carrion, fish offal or other rubbish, unless any such act as aforesaid is done in conformity with any regulation of a Town or Country Board or a Board of Health:

Provided that this paragraph shall not be deemed to apply to the removal of nightsoil from any prison, which may be removed not later than 6.30 a.m;

- (f) erects or maintains any blind, awning or other projection unless the same is at least eight feet above the level of such thoroughfare;
- (g) leaves or fixes or maintains any dangerous thing in upon or over such thoroughfare as aforesaid;
- (h) suffers to be at large any vicious or dangerous animal or sets on any dog or other animal to worry or put in fear any person or animal;
- (i) suffers to be at large and not under proper control any horse, mule, ass, cattle, swine or other similar animal; or suffers any such animal whether or not under control to drag any tethering chain or rope behind it;
- (j) cleans, dresses, bleeds or farries any horse or other animal except in case of accident or necessity;
- (k) tethers any animal within such a distance as to allow the same to stray on to such public thoroughfare;
- (l) comes within the limits of any place where any public work is being carried on as set out by the officer in charge of such works without the permission of such officer,

shall be liable to a fine not exceeding three thousand, five hundred dollars or to imprisonment for a term not exceeding three months.

(Amended by Acts 7 of 1976, 25 of 1976, 8 of 1994 and 30 of 2005)

(2) Any person who—

- (a) discharges any filth or foul water or bathes in or washes clothes in or otherwise, defiles any public well, spring, pond, watercourse or gutter, unless any such act aforesaid is done in conformity with any regulation of a Town or Country Board of Health;
- (b) commits a nuisance in any cane-piece within one hundred feet of any town, hamlet or village or within ten feet of any public thoroughfare;
- (c) commits a nuisance in any place to the annoyance of the public,

shall be liable to a fine not exceeding two thousand dollars.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Offences for which no punishment provided.

35. Any person who—

- (a) disobeys, or neglects or refuses to obey the provisions of any enactment of the State, for the breach of which no specific punishment is by such enactment prescribed; or
- (b) contravenes any regulation or rule made under any enactment, for the time being in force in the State for the infringement of which no specific punishment is prescribed,

shall be liable to a fine not exceeding eight thousand dollars.

(Amended by Acts 7 of 1976, 9 of 1986 and 6 of 2002)

Officers neglecting their duty.

36. Any constable or other peace officer who shall neglect his or her duty in anything required of him or her by this Act, shall be liable to a fine not exceeding three thousand five hundred dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Police, hindrance, assault obstruction of, etc.

37. (1) Any person who disturbs or hinders any constable or peace officer in the execution of his or her duty under this Act, or aids, abets or assists therein, shall be liable to a fine not exceeding five thousand dollars.

(2) Any person who assaults or beats or wounds, or resists or wilfully obstructs any member of the police force, or any local or special constable, while in the execution of his or her duty, shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding eighteen months:

Provided that the Magistrate may abstain from trying the case summarily and commit the offender for trial for an indictable offence.

(Amended by Acts 7 of 1976, 9 of 1986 and 6 of 2002)

Posting placards and defacing buildings, etc.

38. Any person who, without the consent of the owner or occupier—

- (a) posts any bill, placard or other paper against or upon; or
- (b) shall write upon, soil, mark or deface,

any building, wall, fence, lamp-post or other object, shall be liable to a fine not exceeding two thousand dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Pretending to tell fortunes, etc.

39. Any person—

- (a) pretending or professing to tell fortunes; or
- (b) using any subtle craft, means or device, by palmistry or otherwise,

to deceive and impose on any of the Crown's subjects, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

Prostitution.

40. (1) Any person who, being the tenant, lessee, occupier or person in charge of any premises knowingly permits such premises or any part thereof to be used for the purposes of habitual prostitution shall be liable to imprisonment for a term not exceeding six months.

(2) Every female who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person, or generally, shall be liable to imprisonment for a term not exceeding six months.

(3) Any person loitering or being in any public place for the purpose of prostitution or solicitation to the annoyance of the public shall be liable to imprisonment for a term not exceeding two months.

(4) Every male person who in any public place persistently solicits or importunes for immoral purposes shall be liable to imprisonment for a term not exceeding six months.

(5) Any common prostitute wandering in the public streets or public highways, or in any place of public resort and behaving in a riotous or indecent manner, shall be liable to imprisonment for a term not exceeding six months.

Refusal to assist police officer, etc.

41. Any person who in any public place refuses to assist any member of the police force or other peace officer in securing or capturing any person whom such member of the police force or other peace officer is endeavouring to secure or capture when lawfully called upon so to do, by such member of the police force or peace officer, shall be liable to a fine not exceeding two thousand dollars, or to imprisonment for a term not exceeding fourteen days.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Refusing to give name, etc.

42. Any person who, when lawfully required by a Justice of the Peace or any police officer to give his or her name or address—

(a) refuses to give his or her name, or address; or

(b) gives a false name or address,

shall be liable to a fine not exceeding two thousand dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Riotous conduct.

43. Any person who—

(a) in any public place is guilty of any riotous behaviour; or

(b) in any police station house is guilty of any violent behaviour,

shall be liable to a fine not exceeding three thousand, five hundred dollars or to imprisonment for a term not exceeding one month.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Rogues and vagabonds.

44. Any person committing any offence, on conviction for which he or she shall be deemed an idle and disorderly person within the meaning of this Act, after having been convicted as an idle and disorderly person shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

Receiving and being in possession of property stolen or unlawfully obtained.

45. (1) Any person who receives any property knowing the same to have been stolen or obtained in any way under circumstances which amount to an offence under sections 4, 6, 7, 11, 15, 16, 17, 18, 19 and 25 of the Larceny Act, shall be liable, on summary conviction, to imprisonment for a term not exceeding six months.

(2) Where any person is charged with an offence under subsection (1) of this section the Magistrate may in his or her discretion abstain from trying the offence summarily and may commit the offender for trial for an indictable offence.

(3) Any person having in his or her possession, or conveying in any manner anything which may reasonably be suspected of having been stolen or unlawfully obtained, and who shall not give an account satisfactory to the Magistrate of how he or she came by the same, shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding three months.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Taking horses, etc.

46. Any person who takes or drives, or attempts to take or drive any horse, mule or ass from or out of any enclosure, stable, pasture or other place for the purpose of using the same without the consent of the owner or person entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, shall be liable to a fine not exceeding one hundred dollars and the payment of such fine, or the suffering of any imprisonment in default of such payment, shall not affect the right of action of the party aggrieved.

(Amended by Acts 7 of 1976 and 9 of 1986)

Threats.

47. Any person who threatens or intimidates—

- (a) any other person by reason of his or her being a witness, or likely to be a witness in any proceeding; or
- (b) any other person in such a manner as would justify a Magistrate on complaint made to him or her to bind over such first mentioned person to keep the peace,

shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding three months.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

Throwing missile in thoroughfare.

48. Any person who, being in the vicinity of or in any public place unlawfully throws or discharges any missile to the damage or danger of any person or property, shall be liable to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding six months.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Trading on Sundays, etc.

49. (1) Any person who sells, or causes or procures to be sold, or exposes for sale or causes or procures to be exposed for sale, any goods or articles whatsoever on any Sunday, Christmas Day or Good Friday, shall, in respect of each act of sale or exposure for sale, be liable to a fine not exceeding three thousand, five hundred dollars.

(Amended by Acts 7 of 1976, 8 of 1994 and 30 of 2005)

(2) There shall be excepted from the operation of this section—

- (a) the sale of any drugs or medicines;
- (b) the sale of ice;
- (c) the sale of groceries not later than nine o'clock in the morning in shops, the closing of which is not controlled by a Shop Hours Order;
- (d) the sale of fresh fish, butcher's meat or fresh fruit, not later than noon;
- (e) the sale of bread or milk;
- (f) the sale of cooked food in hotels, inns or victualling houses;
- (g) the sale of petrol; and
- (h) the sale of any article required for the burial of a dead body, or in the case of illness of any person or animal, where the seller thereof has reasonable grounds for believing the article to be required for either of these purposes; the reasonableness whereof is to be determined by the Magistrate before whom the complaint is heard.

Trespass on land, etc.

50. Any person who persists in coming or remaining on any plantation, lands or premises, after being warned not to come thereon, or to depart therefrom, shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding two months.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Vagrancy.

51. (1) Any person being able wholly or in part to maintain himself or herself by work or by other means and wilfully refusing or neglecting so to do, shall be deemed an idle and disorderly person within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding one month.

(2) Any person—

- (a) wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air or under a tent, or in any vehicle, or in any vessel, boat, lighter or drogher, and not having any visible means of subsistence, and not giving a good account of himself or herself; or
- (b) being found in or upon any dwelling house, office, warehouse, coach house, stable or outhouse, or in any enclosed yard, garden or area, or in any vessel, boat, lighter or drogher, for any unlawful purpose,

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

(Amended by Act 25 of 1976)

Vagrancy with burglars tools or with arms, etc.

52. Any person—

- (a) having in his or her custody or possession any pick-lock, key, crow, jack, bit or other implement, with intent feloniously to break into any dwelling house, office, warehouse, coach house, stable, outbuilding or other building;
- (b) being armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, or any other explosive matter or thing with intent to commit any criminal act; or
- (c) having upon him or her any instrument with intent to commit any felonious act,

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months, and every such pick-lock, key, crow, jack, bit or other implement and every such gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, and every such instrument as aforesaid, shall, by the conviction of the offender, become forfeited to the Crown.

(Amended by Act 6 of 1976)

Vagrants assaulting or resisting the police.

53. (1) Any person apprehended as an idle and disorderly person and violently resisting or assaulting any peace officer or constable so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed a rogue and a vagabond within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding three months.

(2) Any person apprehended as a rogue and a vagabond and violently resisting any constable or other peace officer so apprehending him or her, and being subsequently convicted of the offence for which he or she shall have been so apprehended, shall be deemed an incorrigible rogue within the meaning of this Act, and shall be liable to imprisonment for a term not exceeding six months.

Violence.

54. Any person who uses violence to any person or property shall be liable to a fine not exceeding three thousand five hundred dollars or to imprisonment for a term not exceeding three months.

(Amended by Acts 7 of 1976, 9 of 1986, 8 of 1994 and 30 of 2005)

Wounding.

55. Any person wounding any other person shall, if in the opinion of the Magistrate, such wounding is not of a serious nature, be liable to imprisonment for a term not exceeding one year:

Provided that the Magistrate may, in his or her discretion, abstain from trying the case summarily, and may commit the offender for trial for an indictable offence.

(Amended by Act 25 of 1976 and 6 of 2002)

Control of music in public places.

56. No person shall, except during the carnival, without licence under the hand of a police officer not below the rank of Inspector beat any drum or play any noisy instrument in any street or public place, and any person who contravenes the

provisions of this section shall be liable to a fine of five thousand dollars or to imprisonment for a term not exceeding one year.

(Inserted by Act 24 of 1971 as section 54A and amended by Acts 7 of 1976, 9 of 1986 and 6 of 2002)

Power to suspend operation of section 56.

57. The Cabinet may, by notice suspend the operation of section 56 during any period specified in such notice.

(Inserted by Act 24 of 1971 as section 54B and renumbered as section 57)

PART IV
PROCEDURES

Offences punishable on summary conviction.

58. Any person accused of having committed any of the offences in this Act set forth may, notwithstanding any other law to the contrary, be prosecuted before a Magistrate in the manner prescribed in the Magistrate's Code of Procedure Act, Cap. 3:17, and shall upon conviction be liable to the punishments respectively prescribed in this Act, for such offences.

Form of conviction as idle and disorderly person, etc.

59. Every conviction of any offender as an idle and disorderly person, or as a rogue and a vagabond, or as an incorrigible rogue under this Act, shall be in the form set out in the Schedule or as near thereto as circumstances will permit.

Powers of Magistrate as to property of idle and disorderly person, etc.

60. (1) It shall be lawful for every Magistrate by whom any person shall be adjudged to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue, to order—

- (a) that such offender shall be searched;
- (b) that the trunks, boxes, bundles, parcels or packages of such offender shall be inspected in the presence of the Magistrate and of such offender; and
- (c) that any part, car, caravan or vehicle which may have been found in the possession or use of such offender, shall be searched in the presence of such offender.

(2) It shall be lawful for every Magistrate by whom any person shall be adjudged to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue, to order that any money which may be found on or with such an offender, shall be paid and applied for and toward the expense of apprehending, conveying to prison, and maintaining such offender during the time for which he or she shall have been committed; and if upon search, money sufficient for the purposes aforesaid be not found, it shall be lawful for such Magistrate to order that a part, or if necessary the whole of such other effects then found, shall be sold, and that the produce of such sale shall be paid and applied as aforesaid; and also that the overplus of such money or effects after deducting the charges of such sale shall be returned to such offender.

(Note: Sections 58, 59 and 60 were originally sections 55, 56 and 57)

SCHEDULE

(Section 59)

FORM OF CONVICTION OF IDLE AND DISORDERLY PERSON, ETC.

Be it remembered, that on the day of
 20....., in district in the State of Saint Christopher and Nevis, A.B. is
 convicted before me the undersigned Magistrate for district, of being an idle
 and disorderly person (or a rogue and vagabond, or an incorrigible rogue) within the
 intent and meaning of the Small Charges Act; that is to say, for that the said A.B. on
 the day of at, in the said district
(here state offence proved before Magistrate) and for which said offence the said
 A.B. is ordered to be committed to the prison at,
 there to be kept (to hard labour) for the space of

Given under my hand and seal, the day, year, and at the place, first above written.

Magistrate
