

TRESPASS ACT

CHAPTER 11:07

Act
16 of 1852
Amended by
21 of 1910
20 of 1936

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 11:07

TRESPASS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 11:07

TRESPASS ACT

An Act for the prevention of wilful trespass on lands.

1950 Ed.
Ch. 4, No. 18.
16 of 1852.
Commencement.

[10TH NOVEMBER 1852]

Short title.

1. This Act may be cited as the Trespass Act.

Interpretation.

2. In this Act—

“night-time” includes any time between seven o’clock in the evening of one day and six o’clock in the morning of the next day;

“owner” includes the tenant, occupier, or other person having the possession of any land.

Persons found in or about enclosed yard or cultivated lands, etc., at night.

3. Any person found in the night-time in any enclosed yard, garden, or ground, or in any cultivated lands, or in or about the works of any plantation, oilfield, refinery or oil tank farm, who, on being taken before a Magistrate or Justice, fails to make it appear to the satisfaction of such Magistrate or Justice that he had some reasonable cause or excuse for being in the place where he was found, is liable to imprisonment for three months.

Trespass on lands where notice is placed, or refusing to quit.

4. Any person found at any time in any lands on which, or near to which, there is stuck up in some conspicuous place a notice in legible letters forbidding all persons to trespass, not having some reasonable cause or excuse for being in the place where he is found, or, in the absence of such notice, any person found in any lands, who refuses to quit the same upon request by the owner of the lands, or his servant, is liable on summary conviction to a fine of two hundred dollars. However, every labourer or other servant having or occupying any house or cottage, or any room in any house or cottage, on any lands, and the members of his family actually residing there with him, shall not be liable to any punishment under this Act by reason of his or their passing along or upon any road, path, or way leading from any public high road to such house or cottage.

5. Any person who fastens any vessel, boat, or craft to any private wharf or landing place, or lands, places or puts any matter or thing whatsoever upon any such wharf or landing place, on which, or near to which, there is stuck up a notice in legible letters forbidding all persons to trespass, is liable on summary conviction to a fine of two hundred dollars.

Fastening vessel, etc., to private wharf or landing place, where notice is placed.

6. Any constable, or the owner of the lands upon which such offence is committed, or his servant, or any person authorised by the owner, may seize and apprehend such offender upon such lands, or, in case of pursuit being made, in any other place to which he may have escaped therefrom, and to deliver him as soon as may be into the custody of a constable to be dealt with according to law.

Offenders may be apprehended.

7. The owner of any lands, or his servant, or any person authorised by him, may seize and detain any timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee or other produce which is found upon the land of the owner, and which there is reasonable cause to suspect has been felled, cut, burned or prepared upon such lands, and also may seize and detain any boat, cart, carriage, horse, ox, mule or other animal employed in or for the purpose of carrying or removing the same, and cause the same to be taken to the nearest Police Station; and such timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee or other produce shall be deemed the property of the owner of the lands, and may be disposed of as he thinks fit; and such boat, cart, carriage, horse, ox, mule or other animal shall be forfeited to the State, and may be sold by the order of any Magistrate or Justice and the proceeds of sale shall be paid to the Comptroller of Accounts unless within three days from the day of the seizure the owner claims the same, and within the said term of three days, or such further term as the Magistrate or Justice may allow, proves to the satisfaction of the Magistrate or Justice that such timber, lumber, wood, underwood, charcoal, sugar canes, cocoa, coffee or other produce so seized was not felled, cut, burned or prepared on the lands on which it was seized.

Timber, etc., may be detained.

Timber, etc., to be deemed property of person on whose land it may be found.

Constables
to assist in
apprehension
of offenders.

8. Every constable shall assist in the apprehension of any person found committing any offence against this Act whenever required to do so by the owner, or any servant of the owner, of the lands upon or in respect of which the offence is committed.

Cases wherein
question of title
to land arises.

9. Nothing contained in this Act shall authorise any Magistrate or Justice to determine any case of trespass in which any question arises as to the right or title to any lands or any interest therein or accruing therefrom.