

ABILL

ENTITLED

ANACT to Amend provisions relating to penalties and monetary obligations in various enactments and for connected purposes.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Law Reform (Amendment of Penalties) Act, 2019. Short title.

2. The provisions of the enactments specified in the first column of the Schedule are amended in the manner specified in relation to them in the second column of the Schedule. Amendment of Acts. Schedule.

SCHEDULE

(Section 2)

Amendments of Enactments

Enactments

Amendments

Bail Act

Section 15

Delete the words “five hundred thousand” and substitute therefor the words “two million”.

New Section
21A

Insert next after section 21 the following as section 21A—

“Minister
may amend
monetary
penalties.

21A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

Coroners Act

Section 22D

Delete the words “five thousand” and substitute therefor the words “one hundred thousand”.

Section 23(1)

Delete the words “four thousand” and substitute therefor the words “ten thousand”.

Section 23(3)

Delete the words “four thousand” and substitute therefor the words “two hundred and fifty thousand”.

New Section 35

Insert next after section 34 the following as section 35—

“Minister
may amend
monetary
penalties.

35. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

*Corruption**Prevention Act*

Section 15

Delete subsection (2).

*Criminal Justice
(Administration)
Act*

Section 33(1)

1. Delete the word “twenty” and substitute therefor the words “one million”.
2. Delete the word “month” and substitute therefor the word “year”.

Amendments of Enactments

Enactments	Amendments
Section 51	1. Delete the word “twenty” and substitute therefor the words “five hundred thousand”. 2. Delete the word “forty” and substitute therefor the words “one million”.
Section 52	Delete the word “forty” and substitute therefor the words “one million”.
New section 65(3)	Insert next after section 65(2) the following as section 65(3)— “ (3) The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

Criminal Justice (Reform) Act

Section 9(5)	Delete the words “one hundred” and substitute therefor the words “one hundred thousand”.
Section 11(3)(a)	Delete the words “two thousand” and substitute therefor the words “two hundred and fifty thousand”.
Section 11(5)(a)	Delete the words “four thousand” and substitute therefor the words “one million”.
New section 21	Insert next after section 20 the following as section 21— “Minister may amend monetary penalties. 21. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

Dangerous Drugs Act

Section 5(2)(b)	Delete the words “five hundred thousand” and substitute therefor the words “five million”.
Section 21A	Delete subsection (1)(d) and substitute therefor the following— “ (d) on summary conviction before a Judge of the Parish Court, in the case of a first

Amendments of Enactments

Enactments

Amendments

conviction for such offence, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment and in the case of a second or subsequent conviction for such offence, to a fine not exceeding five million dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.”.

Section 22(5) Delete subsection (5) and substitute therefor the following—

“ (5) Every person who commits an offence against this Act for which no penalty is otherwise provided shall, on summary conviction before a Judge of the Parish Court, be liable to a fine not exceeding two million dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.”.

Section 22(10) Delete subsection (10)(b) and substitute therefor the following—

“ (b) shall be liable to a fine which shall not exceed one million dollars;”.

*Enquiry into
Causes of Fire
and Accidents
Act*

Section 7 1. Delete the words “twenty dollars” and substitute therefor the words “one million dollars”.

2. Delete the words “one month” and substitute therefor the words “six months”.

New section 12 Insert next after section 11 the following as section 12—

“ Minister
may amend
monetary
penalties. 12. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

Amendments of Enactments

Enactments	Amendments		
<i>Evidence Act</i>			
Section 46	Delete the words "one hundred" and substitute therefor the words "one million".		
Section 47	Delete the words "two hundred" and substitute therefor the words "two million".		
Section 48	Delete the words "two hundred" and substitute therefor the words "five hundred thousand".		
Section 49	Delete the words "two hundred" and substitute therefor the words "one million".		
New Part VII	Insert next after Part VI the following as Part VII—		
	<i>PART VII—General</i>		
	<table border="0" style="margin-left: 4em;"> <tr> <td style="padding-right: 1em;">"Minister may amend monetary penalties.</td> <td>60. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act."</td> </tr> </table>	"Minister may amend monetary penalties.	60. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act."
"Minister may amend monetary penalties.	60. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act."		
<i>Gun Court Act</i>			
Section 13(3)	Delete the words "two thousand" and substitute therefor the words "one million".		
New section 18A	Insert next after section 18 the following as section 18A—		
	<table border="0" style="margin-left: 4em;"> <tr> <td style="padding-right: 1em;">"Minister may amend monetary penalties.</td> <td>18A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act."</td> </tr> </table>	"Minister may amend monetary penalties.	18A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act."
"Minister may amend monetary penalties.	18A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act."		
<i>Hindu Marriage Act</i>			
Section 3(4)	Delete the word "twenty" and substitute therefor the words "one hundred thousand".		
Section 10(5)	Delete the word "twenty" and substitute therefor the words "one hundred thousand".		

Amendments of Enactments

Enactments

Amendments

New section
21A

Insert next after section 21 the following as section
21A—

“Minister
may amend
monetary
penalties.

21A. The Minister may, by order
subject to affirmative resolution,
amend the monetary penalties
specified under this Act.”.

*Judicature
(Parish Courts)
Act*

Section 52

Delete the word “twenty” and substitute therefor the
words “one million”.

Section 55

Delete the word “twenty” and substitute therefor the
words “one hundred thousand”.

Section 58

Delete the word “twenty” and substitute therefor the
words “two million”.

Section 60

1. Delete the words “one hundred” and substitute
therefor the words “one million”.
2. Delete the word “two” and substitute therefor the
word “six”.

Section 104

Delete the word “forty” and substitute therefor the
words “two hundred thousand”.

Section 160

Delete the word “twenty” and substitute therefor the
words “one million”.

Section 179(4)

Delete subsection (4) and substitute therefor the
following—

“ (4) Where a juror summoned pursuant to this
section fails to attend or, having been chosen as
a juror, upon attendance refuses to be sworn, the
Court may—

- (a) impose upon the person a fine not
exceeding ten thousand dollars; or
- (b) in default of payment of the fine
referred to in paragraph (a), order the

Amendments of Enactments

Enactments	Amendments
	<p>person to perform unpaid work for such number of hours (being in the aggregate not less than forty nor more than three hundred and sixty hours) as may be specified in the order.”.</p>
Section 180	Delete the words “one hundred” and substitute therefor the words “ten thousand”.
Section 209	Delete the word “sixty” and substitute therefor the words “ten thousand”.
Section 268(2)	Delete the words “one million” and substitute therefor the words “three million”.
<i>Judicial Proceedings (Regulation of Reports) Act</i>	
Section 4	Delete the words “five thousand” and substitute therefor the words “one million”.
New section 7	Insert next after section 6 the following as section 7— <p>“Minister may amend monetary penalties. 7. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.</p>
<i>Justice Protection Act</i>	
New section 27	Insert next after section 26 the following as section 27— <p>“Minister may amend monetary penalties. 27. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.</p>
<i>Justices of the Peace (Appeals) Act</i>	
Section 18	Delete the word “forty” and substitute therefor the words “ten thousand”.

Amendments of Enactments

Enactments	Amendments
Section 19	Delete the word “forty” and substitute therefor the words “ten thousand”.
New section 66	Insert next after section 65 the following as section 66— <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>“Minister may amend monetary penalties.</p> </div> <div style="width: 50%;"> <p>66. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.</p> </div> </div>
<i>Justice of the Peace Jurisdiction Act</i>	
New section 71A	Insert next after section 71 the following as section 71A— <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>“Minister may amend monetary penalties.</p> </div> <div style="width: 50%;"> <p>71A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.</p> </div> </div>
<i>Larceny Act</i>	
Section 48	Delete the words “forty thousand dollars or three times the value of the thing stolen or killed, whichever is the greater” and substitute therefor the words “three million dollars”.
Section 49	Delete the words “forty thousand dollars or three times the value of the things taken or destroyed, whichever is the greater” and substitute therefor the words “three million dollars”.
Section 50	Delete the words “forty thousand dollars or three times the value of the animal caught, taken or driven off, whichever is the greater” and substitute therefor the words “three million dollars”.
Section 51	Delete the words “forty thousand dollars or three times the value of the thing stolen, whichever is the greater” and substitute therefor the words “three million dollars”.
Section 52	Delete the words “four thousand” and substitute therefor the words “one million”.

Amendments of Enactments

Enactments	Amendments
Section 53	Delete the word "twenty" and substitute therefor the words "two hundred and fifty".
Section 54	Delete the word "five" and substitute therefor the words "two hundred and fifty".
Section 55	Delete the word "twenty" and substitute therefor the words "two hundred and fifty".
New section 69	Insert next after section 68 the following as section 69— <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%; border-left: 1px solid black; padding-left: 5px;"> "Minister may amend monetary penalties." </div> <div style="width: 50%;"> 69. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act." </div> </div>

Legal Aid Act

Section 25(2)	<ol style="list-style-type: none"> 1. Delete the words "one hundred thousand" and substitute therefor the words "one million". 2. Delete the words "six months" and substitute therefor the words "one year".
New section 29	Insert next after section 28 the following as section 29— <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%; border-left: 1px solid black; padding-left: 5px;"> "Minister may amend monetary penalties." </div> <div style="width: 50%;"> 29. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act." </div> </div>

*Maintenance Orders
(Facilities for
Enforcement) Act*

Section 8(2)	Delete the words "one hundred" and substitute therefor the words "ten thousand".
New section 21A	Insert next after section 21 the following as section 21A— <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%; border-left: 1px solid black; padding-left: 5px;"> "Minister may amend monetary penalties." </div> <div style="width: 50%;"> 21A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act." </div> </div>

Amendments of Enactments

Enactments

Amendments

*Malicious Injuries
to Property Act*

Section 20(2)	Delete the words “ten thousand dollars or three times the value of the injury done, whichever is the greater” and substitute therefor the words “one million dollars”.		
Section 23	Delete the word “four” and substitute therefor the words “five hundred”.		
Section 24	Delete the word “four” and substitute therefor the words “five hundred thousand”.		
Section 25	Delete the word “four” and substitute therefor the words “five hundred”.		
Section 29	Delete the word “four” and substitute therefor the words “two hundred and fifty thousand”.		
Section 31(a)	Delete the words “two thousand dollars or three times the value of the thing killed, maimed or wounded, whichever is greater” and substitute therefor the words “three million dollars”.		
Section 32(1)	Delete the words “forty thousand” and substitute therefor the words “three million”.		
Section 43	Delete the words “twenty thousand” and substitute therefor the words “one million”.		
New section 60	Insert next after section 59 the following as section 60— <table border="0" style="margin-left: 40px;"> <tr> <td style="vertical-align: top; padding-right: 20px;">“Minister may amend monetary penalties.</td> <td>60. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.</td> </tr> </table>	“Minister may amend monetary penalties.	60. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.
“Minister may amend monetary penalties.	60. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.		

*Muslim Marriage
Act*

Section 10(4)	Delete the word “twenty” and substitute therefor the word “one hundred thousand”.
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Amendments of Enactments

Enactments

Amendments

New section 21A Insert next after section 21 the following as section 21A—

“Minister
may amend
monetary
penalties.

21A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

*Offences Against
the Person Act*

Section 39 Delete the words “one thousand dollars” and substitute therefor the words “two hundred thousand dollars, together with costs (if ordered)”.

Section 40 Delete the words “two thousand” and substitute therefor the words “five hundred thousand”.

New section 86 Insert next after section 85 the following as section 86—

“Minister
may amend
monetary
penalties.

86. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

*The Public Service
Enquiries (Attendance
of Witnesses) Act*

Section 5 Delete the words “two hundred” and substitute therefor the words “one million”.

Amendments of Enactments

Enactments

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New section 8 Insert next after section 7 the following as section 8—

“Minister
may amend
monetary
penalties.

8. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

*Status of Children
Act*

- Section 14 Delete the words “five hundred” and substitute therefor the words “one million”.
- New section 17 Insert next after section 16 the following as section 17—
- | | |
|--|--|
| “Minister
may amend
monetary
penalties. | 17. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”. |
|--|--|

*Trustees, Attorneys
and Executors
(Accounts and
General) Act*

- Section 19 Delete the word “forty” and substitute therefor the words “a sum not exceeding two hundred and fifty thousand”.
- Section 20 Delete the word “forty” and substitute therefor the words “a sum not exceeding two hundred and fifty thousand”.
- New section 23 Insert next after section 22 the following as section 23—
- | | |
|--|--|
| “Minister
may amend
monetary
penalties. | 23. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”. |
|--|--|

*Witnesses’
Expenses Act*

- Section 11(1) 1. Delete the words “two hundred” and substitute therefor the words “five hundred thousand”.

Amendments of Enactments

Enactments

Amendments

2. Delete the words “one month” and substitute therefor the words “three months”.

New section 17 Insert next after section 16 the following as section 17—

“Minister
may amend
monetary
penalties.

17. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

*The Witnesses
(Public Enquiries)
Protection Act*

Section 3(1) 1. Delete the words “two hundred” and substitute therefor the words “one million”.

2. Delete the words “six months” and substitute therefor the words “twelve months”.

Section 3(2) 1. Delete the words “two hundred” and substitute therefor the words “one million”.

2. Delete the words “six months” and substitute therefor the words “twelve months”.

New section 4A Insert next after section 4 the following as section 4A—

“Minister
may amend
monetary
penalties.

4A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified under this Act.”.

Passed in the House of Representatives this 4th day of June, 2019.

PEARNEL CHARLES, CD, MP, JP

Speaker.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to revise penalties where appropriate and, where not already provided for, provide a mechanism for amendment of monetary penalties, relating to several Acts under the portfolio of the Ministry of Justice, by Ministerial Order.

This Bill seeks to give effect to that decision.

DELROY CHUCK
Minister of Justice.

ABILL

ENTITLED

AN ACT to Amend provisions relating to penalties and monetary obligations in various enactments and for connected purposes.

As passed in the Honourable House of Representatives.

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(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA.

SECTION 15 OF THE BAIL ACT WHICH IT IS
PROPOSED TO AMEND

15. A person who is guilty of an offence under section 14(1) is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding two years.

SECTIONS 22D AND 23 OF THE CORONER'S ACT WHICH IT IS
PROPOSED TO AMEND

22D. If any person—

- (a) wilfully insults the appropriate Coroner or any officer of the Court under this Act during his sitting or attendance in the Court; or
- (b) wilfully interrupts the proceedings of the Court; or
- (c) otherwise misbehaves in Court.

the appropriate Coroner may order any constable or officer of the Court, with or without the assistance of any other person, to take the offender into custody and detain him till the rising of the Court; and such appropriate Coroner may, if he thinks fit, impose upon any such offender a fine not exceeding five thousand dollars for every such offence, and, in default of payment thereof, commit the offender to prison for any period not exceeding one calendar month, unless the fine is sooner paid; and in the case of a subsequent offence within six months, by a warrant under his hand, and sealed with the seal of the Court, commit any such offender to prison for any period not exceeding one calendar month.

23.—(1) Where a person duly summoned as a juror at an inquest does not appear to such summons or appearing refuses without reasonable excuse to serve as a juror, the appropriate Coroner may impose on such person a fine not exceeding four thousand dollars.

(2) Where, pursuant to subsection (1), the appropriate Coroner imposes a fine upon any person in his absence, the provisions of section 41 of the Jury Act shall apply as regards the recovery and enforcement of the fine.

(3) Where a person duly summoned to give evidence at an inquest—

- (a) does not appear to such summons; or
- (b) appearing, refuses to be sworn or to affirm, or having affirmed or been sworn, refuses without reasonable excuse to answer any question put to him,

the appropriate Coroner may impose upon such person a fine not exceeding four thousand dollars and in default of payment thereof commit such person to prison for a term not exceeding one month unless he consents to be examined and to give evidence as aforesaid or unless the fine shall sooner be paid.

SECTION 15 OF THE CORRUPTION PREVENTION ACT WHICH
IT IS PROPOSED TO AMEND

15. --(1) Any person who commits an act of corruption commits an offence and is liable—

(a)

(2) Any person who—

- (a) fails, without reasonable cause, to furnish to the Commission a statutory declaration which he is required to furnish in accordance with the provisions of this Act;
- (b) knowingly makes any false statement in any such statutory declaration;
- (c) Fails, without reasonable cause, to give such information as the Commission may require under section 7;
- (d) fails, without reasonable cause, to attend an enquiry being conducted by the Commission under section 7 or knowingly gives false information at such enquiry,

commits an offence, and shall on summary conviction in a Resident Magistrate's Court be liable to a fine not exceeding two hundred thousand dollars, or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

... ..

SECTION 33 OF THE CRIMINAL JUSTICE (ADMINISTRATION) ACT
WHICH IT IS PROPOSED TO AMEND

33. --(1) No person shall—

- (a) take or attempt to take in any Court any photograph, or with a view to publication make or attempt to make in any Court any portrait or sketch of any prisoner; or
- (b) publish any photograph, portrait or sketch taken or made in contravention of the foregoing provisions of this section or any reproduction thereof;

and if any person acts in contravention thereof he shall be guilty of an offence and shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding twenty dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month.

SECTIONS 51 AND 52 OF THE CRIMINAL JUSTICE
(ADMINISTRATION) ACT WHICH IT IS PROPOSED TO AMEND

51. Every person who occupies or keeps any lodging house, retail spirit-house, tavern, or other place where spirituous or other liquors or spirituous compounds are sold, or place of public entertainment, or public resort, and knowingly lodges or harbours thieves or reputed thieves knowingly permits or suffers thieves or reputed thieves to meet or assemble therein, or allows the deposit of goods therein, having reasonable cause for believing them to be stolen, shall be liable on summary conviction, to a penalty not exceeding twenty dollars; and the Resident Magistrate before whom he is brought may, if he think fit, in addition to or in lieu of any penalty, require him to enter into recognizance, with or without sureties for keeping the peace, or being of good behaviour during twelve months:

Provided first, that no person shall, for not producing such sureties, be imprisoned for a longer period than three months; and secondly, that the security required from a surety shall not exceed forty dollars.

And any licence for the sale of any spirits or spirituous liquors, or spirituous compounds, or for keeping a tavern, or any place of public entertainment, or public resort, which has been granted to the occupier or keeper of any such house or place as aforesaid, shall be forfeited on the first conviction of such occupier, or keeper, of an offence under this section; and on his second conviction for such an offence he shall be disqualified for a period of two years from receiving any such licence; moreover, where two convictions under this section have taken place within a period of two years, in respect of the same premises, whether the persons convicted were or were not the same, the Resident Magistrate may, if he so think fit, direct that for a term not exceeding one year from the date of 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.

SECTION 52 OF CRIMINAL JUSTICE (ADMINISTRATION) ACT
WHICH IT IS PROPOSED TO AMEND

52. When any person is convicted of an assault and battery on any officer of any Court of Justice, while such officer is executing the process of the Court, or on any Justice or Constable when in the execution of his duty, such person shall, on summary conviction before a Resident Magistrate, be liable either to pay a penalty not exceeding forty dollars, and in default of payment to be imprisoned for a term not exceeding one year, or, in the discretion of the Resident Magistrate, to be imprisoned for a term not exceeding one year, with or without hard labour.

SECTION 9 OF THE CRIMINAL JUSTICE (REFORM) ACT
WHICH IT IS PROPOSED TO AMEND

9.—(1) Where a court passes on an offender a suspended sentence the court may make a suspended sentence supervision order (hereinafter referred to as “a supervision order”) placing the offender under the supervision of an authorized officer for such period as may be specified in the order not exceeding the period during which the sentence is suspended.

(5) If it is proved to the satisfaction of the court before which the offender appears or is brought under this section that he has failed without reasonable cause to comply with any of the requirements of the supervision order, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding one hundred dollars.

SECTION 11 OF THE CRIMINAL JUSTICE (REFORM) ACT
WHICH IT IS PROPOSED TO AMEND

11. — (1) If at any time during which an order made under section 10, 12, 13, 14, 15 or 16 is in force in respect of an offender, it appears on information to a Justice of the Peace that the offender has failed to comply with any of the requirements of the order, the Justice of the Peace may—

- (a) where the order was made by a Petty Sessions Court—
 - (i) issue a summons requiring the offender to appear before the Court by which the order was made at a time specified in the summons; or

(3) The Justice or Resident Magistrate may—

- (a) without prejudice to the continuance of the order, impose on the offender a fine not exceeding two thousand dollars; or
- (b) revoke the order and deal with the offender for the offence in respect of which the order was made in any other manner in which he could have been dealt with for the offence by a Petty Sessions Court or a Resident Magistrate’s Court, as the case may be, if the order had not been made.

(5) A certificate purporting to be so signed and sealed shall be admissible as evidence of the failure; whereupon a Judge of the Circuit Court before whom the offender is brought may—

- (a) without prejudice to the continuance of the order, impose on the offender a fine not exceeding four thousand dollars; or

- (b) revoke the order and deal with the offender for the offence in respect of which the order was made in any other manner in which he could have been dealt with for that offence by a Circuit Court, if the order had not been made.

SECTION 5 OF THE DANGEROUS DRUGS ACT WHICH IT IS
PROPOSED TO AMEND

5.—(1) Every person who cultivates the opium poppy (*papaver somniferum*) or the coca plant (*Erythroxylum coca*) shall be guilty of an offence against this Act.

- (2) Every person who contravenes subsection (1) shall be liable—
 - (a) on conviction before a Circuit Court to a fine or to imprisonment for a term not exceeding thirty-five years or to both such fine and imprisonment;
 - (b) on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

SECTIONS 21A AND 22 OF THE DANGEROUS DRUGS ACT
WHICH IT IS PROPOSED TO AMEND

21A.—(1) Notwithstanding anything to the contrary in any other enactment, every person who, without lawful excuse—

- (a) encloses in or with any letter, parcel, packet or other matter sent by post, or posts any cocaine, opium, ganja or drug to which Part IV applies; or
- (b) uses any mail bag or mail van or other vehicle used for the carrying of mail for the transportation of any cocaine, opium, ganja or drug to which Part IV applies,

shall be guilty of an offence and shall be liable—

- (c) on conviction before a Circuit Court to imprisonment for a term not exceeding fifteen years; or
- (d) on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment and in the case of a second or subsequent conviction for such offence, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

SECTION 22 OF THE DANGEROUS DRUGS ACT WHICH
IT IS PROPOSED TO AMEND

22.—(1) Every person who—

- (a) for the purpose of obtaining, whether for himself or for any other person, the issue, grant or renewal, of any licence, permit, or authority, issued under this Act, makes any declaration or statement which is false in any particular, or knowingly utters, produces, or makes use of, any such declaration or statement or any document containing any such false declaration or statement; or

... ..
(5) Every person who is guilty of an offence against this Act for which no penalty is otherwise provided shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

... ..
(10) Upon conviction for any offence against any regulations under this Act relating to the keeping of books or the issuing or dispensing of prescriptions containing drugs to which this Act applies, the offender—

- (a) shall not be sentenced to imprisonment without the option of a fine; and
- (b) shall be liable to a fine which shall not exceed fifty thousand dollars,

if the court or in the case of a conviction under subsection (2)(a) or (3)(a) the Judge dealing with the case is satisfied that the offence was committed through inadvertence and was not preparatory to, or committed in the course of, or in connection with, the commission or intended commission of any other offence against this Act.

SECTION 7 OF THE ENQUIRY INTO CAUSES OF FIRE AND
ACCIDENTS ACT

7. Any Justice on becoming aware of any fire or occurrence within the parish for which he acts, the origin of which is or appears to him likely to be subject of an enquiry under this Act, may do all or any of the following things, that is to say—

- (a) he may from time to time himself inspect, or by order in writing under his hand authorize and direct any person or persons to inspect, the locality where the fire or occurrence has taken place, and make such

examination and take such photographs, drawing and measurements, as he or they may deem expedient;

... ..
Provided as follows, that is to say —

If any person feels aggrieved by any order made as aforesaid under the provisions of this section, he may, on an affidavit of the facts, and without notice except as hereinafter directed, apply by motion to a Judge of the Supreme Court to vary or annul such order; and the Judge is hereby authorized to make such order as the circumstances may require. Every person wishing to make any such application shall, twenty-four hours at least before making the application, leave at the office of the Attorney-General, and with the Justice making such order, a notice in writing of his intention to make the same, and a copy of every affidavit which he intends to use on making such application.

Any person obstructing any Justice or other person or persons appointed by him as aforesaid, or any one acting under his or their order or direction while acting under the authority of this section, shall be guilty of an offence, and, on summary conviction, shall be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding one month.

SECTIONS 46, 47, 48 AND 49 OF THE EVIDENCE ACT
WHICH IT IS PROPOSED TO AMEND

46. Any person who, being charged with the delivery of any telegraphic message, shall wilfully deliver or cause to be delivered the same to any person other than the person to whom the same shall be addressed, or his authorized agent in that behalf, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to pay a fine not exceeding one hundred dollars, or be imprisoned for a term not exceeding one year, with or without hard labour.

47. Whoever, without lawful authority or excuse, shall sign the name of any other person to any telegraphic message, with intent to procure such message to be sent as a message from such other person, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to pay a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding two years, with or without hard labour.

48. Any Justice or Notary Public who shall wilfully and falsely endorse upon any original document, delivered at a telegraph station for the purpose of being transmitted under the provisions of this Part, a certificate that a true copy thereof has been sent under this Part, or who shall by telegraph wilfully and falsely inform any person to whom such document shall have been so sent that a

certificate under the provisions of this Part has been endorsed thereon, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to pay a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding two years, with or without hard labour.

49. Any person by this Part required to sign a certificate upon any copy of a document that such copy has been duly received, under the provisions of this Part, who shall wilfully sign such certificate knowing the same to be false, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the court, to pay a fine not exceeding two hundred dollars, or to be imprisoned for a term not exceeding two years, with or without hard labour.

SECTION 13 OF THE GUN COURT ACT WHICH
IT IS PROPOSED TO AMEND

13.—(1) In the interest of public safety or public order, no person shall be present at any sitting of the Court except—

- (a) members and officers of the Court and any constable or other security personnel required by the Court;
- (b) parties to the case before the Court, their attorneys, and witnesses giving or having given their evidence, and other persons directly concerned with the case;
- (c) if the accused is a child, his parents or guardians;
- (d) such other persons as the Court may specially authorize to be present.

... ..

(3) Any person who publishes any information in contravention of a direction under subsection (2) shall be guilty of an offence and liable on summary conviction thereof in the Court to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding twelve months.

SECTION 3 OF THE HINDU MARRIAGE ACT WHICH
IT IS PROPOSED TO AMEND

3.—(1) It shall be lawful for the Minister or any person duly authorized by him, to grant licences to such persons being priests of the Hindu religion, as the Minister or such authorized person may in his discretion think fit, to be marriage officers, and without assigning any reason for so doing cancel any such licence.

... ..

(4) Whenever a licence has been cancelled, the holder thereof shall return it to the Registrar-General forthwith after notice of such cancellation has been forwarded to such holder by letter signed by or on behalf of the Minister and addressed to his usual or last, known place of abode or business. If he fails

to do so he shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty dollars or imprisonment for a term not exceeding two months.

SECTION 10 OF THE HINDU MARRIAGE ACT
WHICH IT IS PROPOSED TO AMEND

10.—(1) Immediately after a Hindu marriage has been solemnized by a marriage officer, he shall enter in a book to be supplied by the Registrar-General and kept by the marriage officer for that purpose (hereinafter referred to as the “Hindu Marriage Certificate Book”) a certificate of the said marriage in the Form B of Part III of the Schedule. Such certificate shall be signed by the parties to the marriage, by two credible witnesses of the said marriage, and by the marriage officer who shall also enter up in the counterfoil the prescribed particulars and sign the same;

Provided that if any of the parties of the marriage cannot sign, he shall affix his mark in the presence of the marriage officer and of the two witnesses.

...

...

...

(5) Every marriage officer who—

- (a) fails to comply with the provision of subsection (1); or
- (b) without reasonable cause or excuse, fails to transmit to the Registrar-General any certificate in accordance with the provisions of this section; or
- (c) solemnizes a Hindu marriage without proof that the persons whose consent is required by this Act have given such consent,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty dollars.

SECTION 52 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

52. Every Bailiff and every Assistant Bailiff shall be furnished with two receipt books, containing receipts according to the form in Schedule F, one to be used in every alternate month.

No payment shall be deemed to be valid or to exonerate or discharge the person making the same, unless a receipt has been given in the form aforesaid, and whenever any money is levied or paid to a Bailiff or Assistant Bailiff under any execution or other process, the Bailiff or Assistant Bailiff shall give a receipt for the same, and retain a carbon copy of such receipt, according to the form in the said Schedule.

Any Bailiff or Assistant Bailiff neglecting or refusing to give or tender a receipt taken from the said book, or to retain a carbon copy of such receipt in the said book, shall on summary conviction before the Magistrate of the parish forfeit and pay any sum not exceeding twenty dollars.

SECTION 55 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

55. The Bailiff of every Court shall within seven days after being required by the Magistrate so to do, deliver up to the Magistrate every process in his custody, possession, or power; and every Bailiff neglecting to make the monthly return hereinbefore required, or to deliver up any process when required to do so under the provisions of this section, or otherwise misconducting himself in the execution of his office, shall, on conviction thereof in a summary manner before the Magistrate, forfeit and pay a sum not exceeding twenty dollars.

SECTION 58 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

58. If any Clerk and any additional Clerk, Deputy Clerk, Assistant Clerk, Bailiff, Assistant Bailiff, additional Bailiff, or other officer of the Court, shall appear to the Magistrate, either with or without any formal charge being made against him to have been, while acting under colour or pretence of the process of the Court, guilty of extortion or misconduct, or to have neglected to duly pay or account for any money levied by him under the authority of any law relating to the Courts, or if any such officer shall be charged with any fraud or neglect in the levying of any execution against any goods or person, or in executing any committal, or with any other wrongful act or neglect in the discharge of the duties of his office, it shall be lawful for the Magistrate of the Court of which such person is an officer to inquire into the matter in a summary way, on affidavit or such other evidence as may appear reasonable to the Magistrate, and for that purpose to examine any such Clerk, Bailiff, or other officer, upon oath (which oath the said Magistrate is hereby empowered to administer), and also to summon and enforce the attendance of all necessary parties and witnesses, in like manner as the attendance of witnesses in any other case may be enforced, and to make such order for the repayment to any party aggrieved of any money extorted, or for the payment of any money so levied as aforesaid, and all damages and costs that may have been caused by any such act or neglect as aforesaid, as the Judge may think just; and also to impose such fine upon the officer, not exceeding twenty dollars for each offence, as he shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are provided for enforcing a judgment recovered in the said Court.

relating to an applicant as secret and confidential, and shall make and subscribe a declaration to that effect before a Justice of the Peace.

(2) Every such person having possession of or control over documents or information, who at any time communicates or attempts to communicate such information or anything contained in such documents to any person—

- (a) other than a person to whom he is authorized by the Council to communicate it; or
- (b) otherwise than for the purposes of this Act,

shall be guilty of an offence and shall be liable on summary conviction thereof in a Resident Magistrate's Court, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding six months.

SECTION 8 OF THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT WHICH IT IS PROPOSED TO AMEND

8.—(1) A payer named in a maintenance order registered or confirmed in Jamaica shall give notice to the proper officer of the court of any change of address.

(2) A payer who contravenes subsection (1) shall be guilty of an offence against this section and liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one hundred dollars.

SECTION 20 MALICIOUS INJURIES TO PROPERTY ACT WHICH IT IS PROPOSED TO AMEND

20.—(1) A person commits an offence if he unlawfully or maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub; or any underwood, growing in any pleasure ground, garden, orchard, avenue or in any ground adjoining or belonging to any dwelling-house, or in any other place.

(2) A person who commits an offence under subsection (1) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or three times the value of the injury done, whichever is the greater, and in default of payment thereof to imprisonment for a term not exceeding one year.

SECTION 23 MALICIOUS INJURIES TO PROPERTY ACT WHICH IT IS PROPOSED TO AMEND

23. Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production growing in any garden, orchard, or nursery-ground, shall, on summary conviction thereof in a

any term not exceeding three months, or to a fine not exceeding four thousand dollars.

53. Where any person is charged with an offence under section 13 and the value of the article alleged to be stolen or the injury alleged to be done—

- (a) does not exceed five thousand dollars; or
- (b) exceeds five thousand dollars but does not exceed ten thousand dollars and the person charged consents to such trial,

such charge may be heard summarily and on conviction the person charged shall be liable to a fine not exceeding twenty thousand dollars or to imprisonment with hard labour for any term not exceeding three months.

SECTIONS 54 AND 55 OF THE LARCENY ACT WHICH IT
IS PROPOSED TO AMEND

54. Every person who publicly advertises a reward for the return of any property stolen or lost and in such advertisement—

- (a) uses any words purporting that no questions will be asked of, or enquires made about, the person producing such property; or
- (b) promises or offers to return to any person any money which he may have paid by way of purchase for, or advanced by way of loan on such property,

shall be guilty of an offence, and on summary conviction liable to a fine not exceeding five thousand dollars or in default of payment thereof to imprisonment with hard labour for any term not exceeding three months.

55. Where any person is charged with larceny and the value of the property alleged to be stolen—

- (a) does not exceed five thousand dollars; or
- (b) exceeds five thousand dollars but does not exceed ten thousand dollars and the person charged consents to such trial,

such charge may be tried summarily, and on conviction the person charged shall be liable to a fine not exceeding twenty thousand dollars or to imprisonment with hard labour for any term not exceeding three months.

SECTION 25 OF THE LEGAL AID ACT WHICH IT IS
PROPOSED TO AMEND

25.—(1) Every person having an official duty or being employed in the administration of this Act shall regard and deal with all documents and information

- (b) willfully kills any such dog, bird, beast, or animal with intent to steal the carcass, skin, or any part of the animal killed; or
- (c) unlawfully has in his possession or on his premises any such stolen dog, bird, beast, or animal, or the skin or plumage (as the case may be) thereof, knowing such dog, bird, beast, or animal, or the skin or plumage (as the case may be) thereof, to be stolen,

shall be guilty of an offence, and on summary conviction in a Resident Magistrate's Court, liable to a fine not exceeding forty thousand dollars or three times the value of the thing stolen or killed, whichever is the greater, or to imprisonment for a term not exceeding three years.

49. Every person who unlawfully and willfully takes or destroys, or attempts to take or destroy, any fish, crab, crayfish, oyster, or turtle, in any water in any private property shall be guilty of an offence, and on summary conviction in a Resident Magistrate's Court, liable to a fine not exceeding forty thousand dollars or three times the value of the things taken or destroyed, whichever is the greater, or to imprisonment for a term not exceeding three years.

50. Every person who catches, takes, or drives, or causes to be caught, taken, or driven, any animal from any property without the consent of the owner or occupier of such property, shall be guilty of an offence, and on summary conviction in a Resident Magistrate's Court liable to a fine not exceeding forty thousand dollars or three times the value of the animal caught, taken or driven off, whichever is the greater, or to imprisonment for a term not exceeding three years.

SECTIONS 51, 52 AND 53 OF THE LARCENY ACT WHICH IT IS PROPOSED TO AMEND

51. Every person who steals, or with intent to steal cuts, severs, roots up, or breaks, any part of any fence, whether growing or not, wooden post, stile, or gate, shall be guilty of an offence, and on summary conviction in a Resident Magistrate's Court, liable to a fine not exceeding forty thousand dollars or three times the value of the thing stolen, whichever is the greater, or to imprisonment for a term not exceeding three years.

52. Every person who—

- (a) offers or exposes for sale any goods, merchandise, or articles whatsoever, which have been unlawfully taken, or which there is reasonable cause to suspect have been unlawfully taken, from, any ship or vessel in distress, or wrecked, stranded, or cast on shore;
- (b) is found in possession of any such goods, merchandise, or articles,

and fails to satisfy the court that he came by them lawfully, shall be guilty of an offence and on summary conviction liable to imprisonment with hard labour for

may award a sentence not exceeding four years' imprisonment or an offence specified in section 37 of the Larceny Act, or in section 4 (2)(a) of the Forgery Act or an offence of uttering any document under section 9 of the Forgery Act, the forging of which is an offence under the said section 4 (2)(a), in relation to which a Court may award a sentence not exceeding five years' imprisonment, and where a Magistrate is only empowered, in respect of any such offence, to impose a sentence of imprisonment, he may impose a fine not exceeding one million dollars in lieu of imprisonment, if in the circumstances of any case he thinks fit so to do.

SECTION 4 OF THE JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) ACT WHICH IT IS PROPOSED TO AMEND

4. A person who contravenes the provisions of this Act is guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

SECTIONS 18 AND 19 OF THE JUSTICES OF THE PEACE (APPEALS) ACT WHICH IT IS PROPOSED TO AMEND

18. The Clerk of every Resident Magistrate's Court, and in all other cases where the right of appeal is or shall be given the proper officer or party (the legal fees, if any, of such other proper officer or party being first paid or tendered) shall respectively, under the penalty of forty dollars for each neglect, to be recovered in a summary manner, supply to every party applying for the same a certified copy of the evidence taken, proceedings had, and decision made, in the matter of appeal.

19. The Clerk of every Resident Magistrate's Court and in all other cases where the right of appeal is or shall be given the proper officer or party shall make up and certify the originals or copies of all original documents, also a copy of the evidence taken, proceedings had, and decision made, in every matter of appeal, for the use of the Judge of the Appeal Court, not later than fourteen days after the delivery of such judgment, order, or report appealed from.

Any clerk, proper officer or party neglecting to comply with the provisions of this section shall be liable to a penalty of forty dollars for each neglect, to be recovered in a summary manner.

SECTIONS 48, 49 AND 50 OF THE LARCENY ACT WHICH IT IS PROPOSED TO AMEND

48. Every person who—

- (a) steals any dog, or bird, beast, or animal, ordinarily kept in a state of confinement or for any domestic purposes; or

SECTIONS 179 AND 180 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

179.—(1) Whenever a jury is required in a Court, the Clerk of the Courts shall include the names of the fourteen jurors taken by him by ballot as aforesaid in a writ of *venire facias*, to be issued to the Bailiff of his Court.

... ..

(4) Any juror summoned pursuant to this section who fails to attend or who, having been chosen as a juror upon attendance, refuses to be sworn is liable to a fine not exceeding one hundred dollars.

180. If by challenge, or non-attendance, or otherwise the number of jurors shall be reduced below the number of five, the jury panel shall be made up by such talesman or talesmen as shall be selected by the Bailiff from the bystanders, or others attending the said Court, who, like other jurymen may be challenged for good cause shewn; and a jury so formed of jurors or of jurors and talesmen, as aforesaid, shall have the trial of the matter, and shall be sworn accordingly; and every talesman so selected, who shall refuse to be sworn, shall pay a fine not exceeding one hundred dollars.

SECTION 209 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

209. The successful party in any judgment in any Resident Magistrate's Court, or the personal representative, assignee or solicitor of such successful party shall, if required in writing so to do by or on behalf of any party against whom any such judgment is given, within three months after receiving full satisfaction and payment of all sums of money due under such judgment give written authority to the Clerk of the Courts in which such judgment was obtained to enter satisfaction on the margin of the record of such judgment and in default of so doing shall incur a penalty of sixty dollars recoverable by action of debt.

SECTION 268 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

268.—(1) It shall be lawful for the Courts to hear and determine the offences hereinafter mentioned, that is to say—

... ..

(2) The offender, on conviction, shall be liable to the same punishment as for such offences he is now or hereafter maybe liable to:

Provided, that no Court shall award a sentence of more than three years' imprisonment, with or without hard labour, and a fine of one million dollars, where the conviction is for any offence referred to in this section other than an offence specified in section 13 of the Larceny Act, in relation to which a Court

SECTION 60 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

60. If any Bailiff or other officer or the lawfully appointed assistant of any such Bailiff or officer of any Court, shall be assaulted, obstructed, hindered or resisted while in the execution of his duty, or if any rescue shall be made, or attempted to be made of any goods levied, or if any obstruction or hindrance shall be offered or made to the making of any levy under process of the Court, every person so offending and every person who aids, abets, or incites any other person to assault, obstruct, hinder, or resist any such Bailiff or the lawfully appointed Assistant of any such Bailiff or officer of any Court in the execution of his duty, shall, on conviction thereof in a summary manner be liable to a fine not exceeding one hundred dollars; and, in default of payment forthwith to be imprisoned, with or without hard labour, for a period not exceeding two months; and it shall be lawful for the Bailiff or Assistant Bailiff of the Court, or any constable, in any such case, to take the offender into custody (with or without warrant), and to bring him before a Justice, who shall thereupon remand him, or admit him to bail until the charge against him can be heard.

SECTION 104 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

104. Any person or persons who shall assault, hinder, or obstruct a land surveyor, or any other person to whom any matter or controversy shall be referred under section 101, shall be liable on conviction, in a summary manner, to a fine not exceeding forty dollars, and in default of payment forthwith to be imprisoned for any period, not exceeding two months, with or without hard labour.

SECTION 160 OF THE JUDICATURE (PARISH COURTS) ACT
WHICH IT IS PROPOSED TO AMEND

160. Every person upon whom any summons to testify shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court, and to whom at the same time payment, or a tender of payment, of his expenses shall have been made on the authorized scale of allowance, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers or writings, required by such summons to be produced; and also every person present in Court who shall be required to give evidence and who shall refuse to be sworn or to give evidence, shall forfeit and pay such fine, not exceeding twenty dollars, as the Magistrate shall impose on him, and in default of payment forthwith to imprisonment for any period not exceeding six months, and the whole or any part of such fine, in the discretion of the Magistrate after deducting the costs, shall be applicable towards indemnifying the party injured by such refusal or neglect, and the remainder thereof, if any, shall be paid into the Treasury.

Resident Magistrate's Court, be liable to imprisonment with or without hard labour, for a term not exceeding six months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding four thousand dollars, as to the Court shall seem meet; and whosoever, having been so convicted of any such offence, either against this or any former enactment shall afterwards commit any of the said offences in this section before-mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for a term not exceeding three years with or without hard labour.

SECTIONS 24 AND 25 OF THE MALICIOUS INJURIES TO
PROPERTY ACT WHICH IT IS PROPOSED TO AMEND

24. Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distillery, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard or nursery-ground, shall, on summary conviction thereof in a Resident Magistrate's Court and at the discretion of the Court, be liable to imprisonment with or without hard labour, for a term not exceeding six months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding four thousand dollars, as to the Court shall seem meet; and, in default of payment thereof, together with the costs if ordered, shall be committed as aforesaid for a term not exceeding six months, unless payment be sooner made; and whosoever, having been convicted of any such offence, either against this or any former enactment, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be liable to imprisonment with hard labour for such term not exceeding two years, as the Court shall think fit.

25. Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, shall, on summary conviction thereof, in a Resident Magistrate's Court, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding four thousand dollars as to the Court shall seem meet; and whosoever, having been convicted of any such offence, either against this or any former enactment, shall afterwards commit any of the said offences in this section before-mentioned, and shall be convicted thereof in like manner, shall be liable to imprisonment with hard labour for such term not exceeding three years as the Court shall think fit.

SECTION 29 OF THE MALICIOUS INJURIES TO PROPERTY ACT
WHICH IT IS PROPOSED TO AMEND

29. Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of, or being used or employed in or about,

any electric or magnetic telegraph, or in the working thereof, or shall unlawfully and maliciously prevent or obstruct in any manner whatsoever the sending, conveyance, or delivery, of any communication by any such telegraph, shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour;

Provided, that if it shall appear to the Justices, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the Justices may proceed summarily to hear and determine the same, and the offender shall, on conviction thereof, at the discretion of the Justices, be liable to imprisonment with or without hard labour, for a term not exceeding three months, or else shall forfeit and pay such sum of money, not exceeding four thousand dollars, as to the Justices shall seem meet.

Provided, that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not passed.

SECTIONS 31 AND 32 OF THE MALICIOUS INJURIES TO
PROPERTY ACT WHICH IT IS PROPOSED TO AMEND

31. Any person who unlawfully and maliciously kills, maims or wounds any dog, bird, beast or other animal not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement or for any domestic purpose shall on summary conviction in a Resident Magistrate's Court be liable—

- (a) to a fine not exceeding two thousand dollars or three times the value of the thing killed, maimed or wounded, whichever is greater; and
- (b) to pay to the party aggrieved such compensation as the Resident Magistrate determines,

or in default of payment thereof to imprisonment for a term not exceeding three years.

32.—(1) If any person shall wilfully, without any reasonable cause or excuse, administer to any horse, cattle, or domestic animal, or cause or procure, or being the owner permit the administration of any poisonous or injurious drug or substance or shall wilfully without any reasonable cause or excuse cause any such substance to be taken by any horse, cattle, or domestic animal such person shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding forty thousand dollars or

alternatively or in addition thereto to imprisonment with or without hard labour for a term not exceeding three years.

SECTION 43 OF THE MALICIOUS INJURIES TO PROPERTY ACT
WHICH IT IS PROPOSED TO AMEND

43. Whosoever shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on summary conviction, be liable to imprisonment with or without hard labour, for a term not exceeding one year or else shall forfeit and pay such sum of money, not exceeding twenty thousand dollars, as to the Court shall seem meet, and also such further sum of money as shall appear to the Court to be a reasonable compensation for the damage, injury, or spoil so committed, not exceeding the sum of twenty thousand dollars; which last-mentioned sum 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, the money shall be applied in the same manner as every penalty imposed by the Court under this Act; and if such sums of money, together with the costs (if ordered) shall not be paid either immediately after the conviction, or within such period as the Court shall, at the time of the conviction, appoint, the Court may commit the offender to imprisonment with or without hard labour, as the Court shall think fit, for a term not exceeding one year, unless such sum and costs be sooner paid;

SECTION 10 OF THE MUSLIM MARRIAGE ACT
WHICH IT IS PROPOSED TO AMEND

10.—(1) Immediately after a Muslim marriage has been effected by or before a marriage officer, he shall enter in a book to be supplied by the Registrar-General and kept by the marriage officer for that purpose (to be called “the Muslim Marriage Certificate Book”) a certificate in the prescribed form of the said marriage, which shall be signed by such marriage officer and by the parties to the marriage and by two credible witnesses, and such marriage officer shall enter up in the counterfoil the prescribed particulars and sign the same.

(4) Every marriage officer who, without reasonable cause or excuse, fails to transmit to the Registrar-General any certificate in accordance with the provisions of this section shall be guilty of an offence against this Act and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty dollars.

SECTIONS 39 AND 40 OF THE OFFENCES AGAINST THE PERSON ACT
WHICH IT IS PROPOSED TO AMEND

39. Where any person shall unlawfully assault or beat any other person, two Justices, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon summary conviction, be liable to imprisonment with or without hard labour, for a term not exceeding two months, or else shall forfeit and pay such fine not exceeding, together with costs (if ordered) the sum of one thousand dollars; and if such fine as shall be so awarded, together with the costs, if ordered, shall not be paid either immediately after conviction, or within such period as shall at the time of the conviction be appointed, the offender may be committed to imprisonment with or without hard labour, for a term not exceeding two months unless such fine and costs be sooner paid.

40. When any person shall be charged before a court of summary jurisdiction with an assault or battery upon any male child whose age shall not, in the opinion of such court, exceed fourteen years, or upon any female either upon the complaint of the party aggrieved or otherwise, the said court, if the assault or battery is of such an aggravated nature that it cannot, in their opinion, be sufficiently punished under the provisions hereinbefore contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and if the same be proved, may convict the prisoner accused; and every such offender shall be liable to imprisonment with or without hard labour for a term not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of two thousand dollars, and, if the court shall so think fit, in any of the said cases, shall be bound to keep the peace, and be of good behavior for a period not exceeding six months from the expiration of such sentence.

SECTION 5 OF THE PUBLIC SERVICE ENQUIRIES
(ATTENDANCE OF WITNESSES) ACT WHICH
IT IS PROPOSED TO AMEND

5.—(1) Any person who—

- (a) without sufficient cause, fails or refuses to attend before a tribunal in obedience to a summons under this Act, or fails or refuses to produce any paper, book, record or document which he was required by such summons to produce; or
- (b) being a witness, leaves a tribunal without the permission of the tribunal; or
- (c) being a witness, refuses, without sufficient cause, to answer any question put to him by or with the permission of the tribunal; or
- (d) wilfully obstructs or interrupts the proceedings of a tribunal,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

SECTION 14 OF THE STATUS OF CHILDREN ACT
WHICH IT IS PROPOSED TO AMEND

14.—If for the purpose of providing a blood sample for a test required to give effect to a direction under section 11 any person personates another, or proffers a child knowing that it is not the child named in the direction, he shall be liable on summary conviction in a Resident Magistrate's Court to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars.

SECTIONS 19 AND 20 OF THE TRUSTEES, ATTORNEYS AND
EXECUTORS (ACCOUNTS AND GENERAL) ACT
WHICH IT IS PROPOSED TO AMEND

19. In case any person by this Part required to render such account as last aforesaid shall neglect to render and exhibit the same in manner and between the days hereinbefore limited for that purpose yearly, such person shall, for such neglect or omission forfeit forty dollars, to be recovered as hereinafter mentioned, and shall over and above such penalty, lose the benefits of his commissions for such year.

20. Every attorney or agent of any person absent from this Island, and every trustee, guardian, mortgagee, or other fiduciary in the actual possession and management as such of any real estate in this Island shall, under the penalty of forty dollars, and in case of attorneys, agents, and trustees, guardians, and other fiduciaries aforesaid, of forfeiture of commissions upon each year's crop, within eighteen months after recording each crop account, record in the Record Office upon his oath or affirmation, to be taken in the form hereinbefore mentioned, the whole account of every such real estate, and the account current respecting the same, showing what, if anything, remains due to such attorney, agent, guardian, mortgagee, or other fiduciary trustee.

SECTION 11 OF THE WITNESSES' EXPENSES ACT
WHICH IT IS PROPOSED TO AMEND

11.—(1) If any person shall, without reasonable excuse to the satisfaction of the court, make default in obeying any subpoena, summons, process or order lawfully issued by the court for his attendance as a witness, or for production by him of any written or other evidence in any legal proceeding the court may, subject to the provisions of subsection (2) and subsection (3)—

- (a) if such subpoena, summons, process or order be issued on the direction of the court or on behalf of the Crown—
 - (i) impose on such person a fine not exceeding two hundred dollars and, in default of payment thereof,

