

CHAPTER 8:02

SUMMARY JURISDICTION (OFFENCES) ACT

ARRANGEMENT OF SECTIONS

PRELIMINARY

SECTION

1. Short title.
2. Interpretation.
3. References to “the public”.
4. Town constables to have powers of police, etc.

PART I

GENERAL PROVISIONS

TITLE 1—INTRODUCTORY PROVISIONS

5. Acts done partly within and partly beyond the jurisdiction.
6. Presumption of age of child.
7. Saving of right of punishment.
8. Saving of jurisdiction of High Court.
9. Saving offences constituted by other written law.
10. Saving of liability under other written law.
11. Restrictions on jurisdiction in respect of questions of title or insolvency.

TITLE 2—PUNISHMENTS

12. Punishments under the Act.
13. Infliction of lesser fine.
14. Award of compensation to person injured.
15. Effect of payment of compensation.
16. Saving of civil action.
17. Reduction of term of imprisonment.
18. Consecutive sentences of imprisonment.

LAWS OF GUYANA

4

Cap. 8:02

Summary Jurisdiction (Offences)

TITLE 3—ABETMENT AND ATTEMPT

SECTION

19. Abetment of summary conviction offence.
20. Attempt and incitement to commit summary conviction offence.

PART II

OFFENCES AGAINST THE PERSON

TITLE 4—ASSAULT AND SIMILAR OFFENCES

21. Assault.
22. Aggravated assault.
23. Ill-treatment and neglect of child.
24. Indecent assault on female.
25. Assault by person when disguised.
26. Assaulting or threatening violence to purchaser of produce.
27. (1) Wrongful interference with exercise of right.
(2) Peaceful picketing.
28. Assault with intent to resist lawful apprehension.
29. Assault on judicial officer or minister.
30. Causing actual bodily harm and unlawful wounding.
31. Where offence is accompanied by attempt to commit indictable offence.

PART III

OFFENCES AGAINST RIGHTS OF PROPERTY AND RIGHTS ARISING OUT OF CONTRACTS

TITLE 5—WILFUL TRESPASS TO PROPERTY

32. Interpretation of term in Title 5.
33. Acts constituting wilful trespass.
34. Wilful trespass notwithstanding notice.
35. Trespass to land by night.
36. Mode of dealing with article found in possession of wilful trespasser.

SECTION

37. Dealing with animal or thing brought on land by wilful trespasser.
38. Wilful trespass with vessel on private wharf notwithstanding notice.
39. Wilful trespass on land between high and low water-marks notwithstanding notice, and fishing therefrom.
40. Wilful trespass on land between high and low water-marks notwithstanding notice, and cutting wood thereon.
41. Saving of certain rights of pathway.
42. Penalty for wilful trespass.
43. Injury to notice forbidding trespassers.
44. Assistance in apprehension of wilful trespasser.
45. Prevention of squatting.
46. Making of complaint under Title 5.

TITLE 6—MALICIOUS INJURY TO PROPERTY

Injury to Growing Things

47. Injury to growing trees to amount not exceeding \$1,000.
48. Injury to growing trees elsewhere than in park, to amount not exceeding \$10,000.
49. Injury to trees wherever growing, to amount not exceeding \$10,000.
50. Destroying vegetable product growing in garden.
51. Destroying vegetable product growing elsewhere than in garden.

Injury to Animals

52. Poisoning and destroying fish.
53. Injury to animal not being cattle.
54. Catching and using cattle, without consent of owner.
55. Injury to cattle.

LAWS OF GUYANA

6

Cap. 8:02

Summary Jurisdiction (Offences)

Injury to other Things

SECTION

56. Injury to fences, walls or gates.
57. Injury to parts of electric or magnetic telegraph.
58. Injury to literary, scientific or artistic work.
59. Injury to fishing apparatus.
60. Injury to goods entrusted to worker thereon.

Supplemental Provisions

61. Injury not specially provided for.
62. Injury without pecuniary damage.
63. When offender is in possession of property injured.
64. Malice against owner of property not necessary.
65. Saving of act done under colour of right.

TITLE 7- LARCENY AND SIMILAR OFFENCES

Simple Larceny

66. Simple larceny.
67. Larceny by bailee.

Larceny of Growing Things

68. Stealing or damaging things growing in garden of value not exceeding \$15,000.
69. Stealing or damaging things growing elsewhere than in garden of value not exceeding \$15,000.
70. Stealing or damaging things, wherever growing, of value not exceeding \$15,000.
71. Stealing or damaging vegetable product growing in garden.
72. Praedial larceny.
73. Praedial larceny, with aggravating circumstances.
74. Larceny of fruit, root or plant, other than those in section 72.
75. Interpretation of terms in next section.
76. (1) Stealing of raw gold, precious stones, valuable minerals petroleum, balata, rubber and the like.
(2) Entering land with intent so to steal.

Larceny of Animals

SECTION

77. Killing house-dove or pigeon.
78. Taking fish in water in private land.
79. Taking fish in other water.
80. Saving of angling rights in the day-time.
81. Mode of dealing with person found fishing contrary to this Title.
82. Larceny of animal ordinarily kept in confinement.
83. Dog-stealing.
84. Larceny of certain animals of value not exceeding \$30,000.
85. Killing those animals with intent to steal carcass.

Miscellaneous Larcenies

86. Stealing live or dead fence.
87. Larceny from the person to amount not exceeding \$30,000.
88. Larceny by tenant or lodger of chattel or fixture let with house or lodging.
89. Larceny by clerk or servant.
90. Servant taking his master's corn for animal.

Embezzlement

91. Embezzlement by clerk or servant.

Fraudulent Misappropriation

92. Fraudulent misappropriation.

Receiving

93. Receiving stolen property.

Unlawful Possession

94. Possession of thing reasonably suspected to have been stolen.
95. Unlawful possession of animal or part thereof.

LAWS OF GUYANA

8

Cap. 8:02

Summary Jurisdiction (Offences)

SECTION

96. Possession of instrument for obtaining liquor.
97. Possession of thing from vessel in distress or wrecked.
98. Offering for sale thing taken from vessel in distress or wrecked.

False Pretences, Embezzlement, Corruption

99. Obtaining by false pretence property not exceeding \$30,000 in value.
100. Fraudulently obtaining credit and dealing with property with intent to defraud creditors.
101. False trade description.
102. Larceny or embezzlement by partner.
103. Advertising reward for return of stolen property.
104. Corruptly taking money to restore stolen dog.
105. (1) Interpretation.
(2) Corrupt transactions with agents.
(3) Onus of proof.
(4) Prosecution of offences..

TITLE 8—FORGERY AND SIMILAR OFFENCES

106. Sending false telegram; signing without authority.

Certificates as to Character or Employment

107. False personation of master, or giving forged or counterfeit character.
108. Giving false certificate as to service.
109. Making false statement as to servant's service.
110. Offering for service under false pretence.
111. Giving false or counterfeit character for general purposes.
112. Indemnification of offender discovering his accomplice.
113. Penalty for offence against Title 8.

TITLE 9—FALSE COIN

114. Interpretation of terms in Title 9.
115. Defacing coin by marks.

LAWS OF GUYANA

SECTION

116. Uttering defaced coin.
117. Mode of dealing with suspected gold or silver coin when tendered in payment.
118. Mode of dealing with gold coin below weight.
119. Mode of dealing with counterfeit coin when discovered.
120. Proof of falsity of coin.
121. When offence of tendering, uttering and putting off complete.
122. Criminal possession under Title 9.

PART IV

OFFENCES AGAINST PUBLIC ORDER

TITLE 10— RIOTOUS DISTURBANCES

123. Proclamation of disturbed district.
124. Proclamation to be laid before National Assembly.
125. Revocation of proclamation.
126. Destroying or defacing proclamation.
127. Assembling in disorderly manner and refusing to disperse.
128. Offences in proclaimed district.
129. Proclamation that retail spirit shops be closed.
130. (1) Apprehension of offender against Title 10.
(2) Penalty for refusal to aid apprehension.

TITLE 11—DISORDERLY CONDUCT

131. Drunkenness.
132. Habitual drunkenness.
133. Permitting disorderly conduct in place of public resort.
134. Expulsion from premises of drunken person, etc.
135. Riotous behaviour in place of worship.
136. Riotous behaviour in public.
137. Causing public terror.
138. Unlawfully carrying arms in public way or place.
139. Public fight.
140. Public insult, and provocation.
141. Provoking breach of peace.

LAWS OF GUYANA

10

Cap. 8:02

Summary Jurisdiction (Offences)

SECTION

142. Apprehension of offender without warrant.

PART V

OFFENCES AGAINST RELIGION, MORALITY AND
PUBLIC CONVENIENCE

TITLE 12 - POLICE OFFENCES

Vagrants

143. Vagrancy.

Rogues and Vagabonds

144. Roguery and vagabondage.

Obeah and Witchcraft

145. (1) Interpretation of "obeah".

(2) (a) Practising obeah to intimidate, defraud or injure.

(b) Aiding and abetting.

(3) Search for articles used in obeah and witchcraft.

(4) Possession for purposes of obeah.

(5) Fortune-telling.

(6) Seizure and disposal of articles used for witchcraft.

146. Proof of unlawful intent.

Incorrigible Rogues

147. Incorrigible roguery.

148. Requiring incorrigible rogue to find sureties.

149. Apprehension of offender against this Title.

Harbouring Thieves

SECTION

150. (1) (a) Harbouring thieves in lodging-house, or place of sale of liquors.
(b) Harbouring thieves in brothel.
(3) Limitation of imprisonment for not finding sureties.
151. Entering premises for discovery of thieves. Penalty for denying admission.

Search for Stolen Property

152. Entry by police on premises and search for and seizure of stolen property.

Minor Offences, Chiefly in Towns

153. (1) Various minor offences principally in relation to towns:
- (i) disturbing inhabitant of town during the night;
 - (ii) discharging cannon within 300 yards of dwelling-house;
 - (iii) discharging fire-arm within 100 yards of public way;
 - (iv) exposing for sale cattle in improper place in town;
 - (v) grooming animal on public way in town;
 - (vi) placing goods on public way in town;
 - (vii) placing goods over public way in town;
 - (viii) rolling or carrying articles on footway in town;
 - (ix) obstructing public way;
 - (x) throwing materials on public way;
 - (xi) beating mat in public way in town;
 - (xii) furious riding and driving;
 - (xiii) rapid riding or driving at corners;
 - (xiv) driving cattle in dangerous manner in public way;
 - (xv) driving cattle without proper assistance;
 - (xvi) carrying thing in two-wheeled vehicle;
 - (xvii) carrying thing in vehicle generally;
 - (xviii) hauling timber, etc., on public way;
 - (xix) careless driving of cart or carriage;
 - (xx) obstruction of public way;
 - (xxi) riding on footways;
 - (xxii) roller-skating on road;

LAWS OF GUYANA

12

Cap. 8:02

Summary Jurisdiction (Offences)

SECTION

- (xxiii) causing obstruction in public way with vehicle;
- (xxiv) allowing public vehicle to stand in improper place in town;
- (xxv) leaving vehicle unattended in public way;
- (xxvi) shouting or blowing horn, etc., in public way;
- (xxvii) throwing stones;
- (xxviii) stoning railway vehicle;
- (xxix) flying kite in public way;
- (xxx) flying kite in Georgetown;
- (xxxi) flying kite in New Amsterdam;
- (xxxii) setting on ferocious dog;
- (xxxiii) suffering rabid dog to be at large;
- (xxxiv) suffering dog to be at large after notice;
- (xxxv) making fire in town elsewhere than in kitchen;
- (xxxvi) lighting or carrying fire in town;
- (xxxvii) making bonfire or exploding fireworks in town;
- (xxxviii) smoking on wharf;
- (xxxix) extinguishing street lamp;
- (xl) cleansing cask, etc., in public way;
- (xli) throwing litter in public way;
- (xlii) throwing objects from house in town;
- (xliii) fixing thing in window in town;
- (xliv) leaving open pit unfenced;
- (xlv) assembling in public way, for disorderly purpose, and not dispersing when required;
- (xlvi) loitering about shop;
- (xlvii) wearing of female attire by man; wearing of male attire by woman;
- (xlviii) behaving irreverently near place of worship;
- (xlix) bill posting without consent of owner.

154. When driver's name is unknown.

155. When person in charge of vehicle or animal is apprehended.

156. Release and rescue of impounded stray.

TITLE 13—NUISANCES

Indecency and Obscenity

SECTION

- 157. Circulation of or traffic in obscene objects.
- 158. Power to search for, seize and destroy obscene objects.
- 159. Indecent advertisement.
- 160. Requirement as to decent clothing in public.
- 161. Bathing in public insufficiently clothed.
- 162. Various acts of indecency.
- 163. Use of profane language.
- 164. Apprehension of offender.

Brothels and Prostitution

- 165. Keeping brothel.
- 166. Prostitution.

Dancing-houses

- 167. Warrant to search suspected house.
- 168. Presumption of guilt.
- 169. Dancing in town at night after midnight.

Keeping of Animals, etc.

- 170. Power of police to enter and seize.
- 171. Horse, mule or ass, in public way.
- 172. Power to destroy rabid or mangy dog at large.
- 173. Placing dead animal on public way.
- 174. Blowing horn, etc.
- 175. Making of loud continuous noise.

TITLE 14—MISCELLANEOUS OFFENCES

Cruelty to Animals

- 176. Interpretation.
- 177. Offences of cruelty.

LAWS OF GUYANA

14

Cap. 8:02

Summary Jurisdiction (Offences)

SECTION

- 178. (1) Power of court to order destruction of animal.
- (2) No appeal in certain cases.
- 179. Power of court to deprive person convicted of cruelty of ownership of animal.
- 180. Compensation for damage done by cruelty to animal.
- 181. Animals detained before being sent to pound.
- 182. Poisoned grain and flesh.
- 183. Use of dogs for purpose of draught.
- 184. Inspection of traps.
- 185. Injured animals.
- 186. Detention of vehicle or animal.
- 187. Owners to produce animals if so required.

Surgical Treatment of Animals

- 188. Provisions as to operations on animals.

Sunday Labour

- 189. *Repealed*
- 190. *Repealed*

Sunday Trading

- 191. *Repealed*
- 192. *Repealed*
- 193. *Repealed*
- 194. Application of certain provisions to Sunday trading.

Detention of Goods

- 195. Power of the court with respect to unlawful detention of articles.
- 196. Disposal or retention by workman of article committed to his care.

Use of Fire

SECTION

197. Negligent use of fire.

Regulation of Judicial Proceedings

198. Obstructing or insulting magistrate or justice.

199. Prohibition on taking of photographs, etc., in court.

200. Restriction of publication of reports of judicial proceedings.

201. False information with intent to cause a public officer to use his lawful power to the injury of another person.

Intimidation of Workers

202. Intimidation or obstruction of worker.

Attempted Suicide

203. Attempt to commit suicide.

Currency Notes

204. Interpretation.

205. Imitation of currency notes.

206. Mutilating or defacing currency notes.

FIRST SCHEDULE

SECOND SCHEDULE

LAWS OF GUYANA

16

Cap. 8:02

Summary Jurisdiction (Offences)

1929 Ed.
c. 13
1953 Ed.
c. 14

CHAPTER 8:02

SUMMARY JURISDICTION (OFFENCES) ACT

17 of 1893

An Act to consolidate and amend the Laws relating to Procedure with respect to Offences punishable on Summary Conviction.

[1ST MARCH, 1894]

PRELIMINARY

Short title.

1. This Act may be cited as the Summary Jurisdiction (Offences) Act.

Interpretation.
[24 of 1969
O. 15/1970
25 of 1973
O. 88/1975]

2. In this Act—

“act” includes any act or omission, and any series, and any combination, of acts and omissions;

“cart” means any cart, wagon, wain, truck, barrow, or other vehicle on wheels used to carry loads or burdens;

“child” means any person who, in the opinion of the court, is under the age of fourteen years;

“complainant” includes any informant or prosecutor in any case relating to a summary conviction offence;

“complaint” includes any information or charge relating to a summary conviction offence;

“the court” means a magistrate’s court acting in the exercise of its jurisdiction in respect of summary conviction offences;

“defendant” means any person against whom a complaint is made;

“document of title to goods” includes any bill of lading, permit, dock warrant, warehouse-keeper’s certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and

sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive any goods thereby represented or therein mentioned or referred to;

“documents of title to lands” includes any grant, licence, letters of decree, transport, deed, will, map, paper, or parchment, whether written, or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title, to any immovable property or real estate, or to any interest in or out of any immovable property or real estate;

“guardian,” in relation to a child, means the parent or other lawful guardian of the child and includes any person, being of or above the age of eighteen years, who, in the opinion of the court, has for the time being the actual custody, control, or charge of the child;

“indictable offence” means any offence punishable on indictment before the High Court;

“indictment” includes any criminal information triable by a jury;

“night” or “night time” means the interval between eight o’clock in the evening of any day and 5:45 o’clock in the morning of the following day;

“person,” “owner,” and other words and expressions of the same kind include the State and all governments, public bodies, bodies corporate, societies, and companies, in relation to the acts and things they are capable of doing and owning respectively;

“prison” includes any lock-up house, police cell, or other duly authorised place of detention for persons in custody;

“property” includes every description of movable and immovable property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any

LAWS OF GUYANA

18

Cap. 8:02

Summary Jurisdiction (Offences)

property, or giving a right to recover or receive any money or goods, and also includes not only the property originally in the possession or under the control of any person, but also any property into or for which it has been converted or exchanged, and anything acquired by the conversion or exchange, whether immediately or otherwise;

“public way” means any highway, market-place, square, street, bridge, or other way lawfully used by the public;

expressions referring to “the public” refer not only to citizens of Guyana within the jurisdiction of the Courts of Guyana, but also to the persons inhabiting or using any particular place, or any number of those persons, and also to any indeterminate persons who happen to be affected by the conduct or matter with reference to which those expressions are used;

“railway” includes a tramway worked by steam or electric power;

“summary conviction offence” means any offence punishable on summary conviction before the court, and includes any matter in respect of which the court can make an order in the exercise of its summary jurisdiction;

c. 28:01

c. 28:02

“town” includes the City of Georgetown, the towns of New Amsterdam, Bartica, and Morawhanna, towns and local government districts established under section 33 of the Municipal and District Councils Act and any village under the Local Government Act, having a population of more than three thousand inhabitants, which may be declared, by an order of the Minister, to be a town, for the purposes of this Act;

“valuable security” includes any order or other security whatsoever, entitling or evidencing the title of any person to any share or interest in any public stock or fund, whether of Guyana or of any other place in the Commonwealth, or of any foreign state or country, or in any fund of any body corporate, society, or company, whether in the United Kingdom, or in Guyana, or in any other place in the Commonwealth, or in any foreign state or

LAWS OF GUYANA

country, or to any deposit in any bank, and also includes any debenture, deed, bond, bill, note, warrant, order (including any post office money order and any postal order), or other security whatsoever for money or for the payment of money, whether of Guyana, or of any other place in the Commonwealth, or of any foreign state or country, and any document of title to goods or lands as hereinbefore defined.

3. In this Act, expressions referring to the public shall be deemed to refer not only to citizens of Guyana within the jurisdiction of the courts, but also to the persons inhabiting or using any particular place or any number of those persons, and also to any indeterminate persons who happen to be affected by the conduct or matter with reference to which those expressions are used.

References to
“the public”.
[24 of 1969]

4. For the purposes of this Act, any member of a town constabulary shall, within the limits of the town for which he acts as a constable, have all the powers and authorities of a police or rural constable in relation to offences which are by this Act specially declared to be offences in towns.

Town
constable to
have powers of
police, etc.
[24 of 1969]

PART I GENERAL

PROVISIONS TITLE 1

Introductory Provisions

5. Where an act which, if done wholly within the jurisdiction of a magistrate’s court, would be a summary conviction offence cognizable in that court, is done partly within and partly beyond that court’s jurisdiction, every person who, within the jurisdiction, does or abets any part of that act shall be liable to be proceeded against and convicted and punished for the offence in the same manner as if the act had been done wholly within the jurisdiction.

Acts done
partly within
and partly
beyond the
jurisdiction.

LAWS OF GUYANA

20

Cap. 8:02

Summary Jurisdiction (Offences)

Presumption
of age of child.

6. Where any person is charged with an offence under this Act, or under any other written law for the time being in force, in respect of a child who is alleged in the complaint to be under any specified age, and the child appears to the court to be under that age, the child shall, for the purposes of this Act or of that other written law, be deemed to be under that age, unless the contrary is proved.

Saving of right
of punishment.

7. Nothing in this Act shall be construed to take away or affect the right of the guardian or teacher of any child to administer reasonable and proper punishment to the child.

Saving of
jurisdiction of
High Court.

8. Nothing in this Act shall be construed to affect the criminal jurisdiction of the High Court.

Saving of
offences
constituted by
other written
law.

9. Nothing in this Act shall be construed to take away or affect the jurisdiction of a magistrate or justice of the peace in respect of offences constituted by any other written law for the time being in force and not specified in this Act.

Saving of
liability under
other written
law.

10. Where a summary conviction offence punishable under this Act is also punishable under any other written law for the time being in force, the offence may be prosecuted and punished either under this Act or under the other written law, but so that no person is punished twice for the same offence.

Restrictions on
jurisdiction in
respect of
questions of
title or
insolvency.

11. Nothing in this Act shall authorise the court to hear and determine any complaint for a summary conviction offence under this Act in which any question in good faith arises as to the title to any immovable property or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or as to any execution under the process of the High Court.

TITLE 2

Punishments

Punishments
under the Act.

12. The following punishments may be inflicted under this Act, namely, fine, payment of compensation for injury done, whipping, flogging, and imprisonment.

LAWS OF GUYANA

13. The court may, in its discretion, adjudge any person convicted before it of a summary conviction offence punishable by a fine under this Act to any less penalty than the penalty prescribed by this Act for that offence.

Infliction of lesser fine.

14. The Court may, in its discretion, on the application of the complainant adjudge any person convicted before it of a summary conviction offence to make compensation, exceeding forty-nine thousand dollars but not exceeding one hundred thousand dollars, to any person who suffers any injury (including loss of or damage to his property) as a result of the commission of the offence; and any sum so adjudged shall be regarded and dealt with in all respects as if it were a sum awarded by a judgment of the court under the Summary Jurisdiction (Petty Debt) Act:

Award of compensation to person injured.
[4 of 1972
21 of 1978
1 of 1989
8 of 1997
10 of 1998]
c. 7:01

Provided that where the conviction is in respect of an offence committed prior to the coming into operation of this Act the compensation awarded shall not exceed that amount which the court could have awarded at the time of the commission of the offence.

15. Where any person who suffers any injury as aforesaid as a result of the commission of a summary conviction offence receives compensation for the injury under the order of the court, the receipt of that compensation shall be a bar to any action for the same injury.

Effect of payment of compensation.
[21 of 1978]

16. Subject to section 15, nothing in this Act shall affect the right of action of any person in respect of any injury sustained by him or his property by the commission of a summary conviction offence.

Saving of civil action.

17. Where any person is convicted of a summary conviction offence punishable by imprisonment under this Act, the court may, in its discretion, adjudge him to undergo any less term of imprisonment than the term prescribed by this Act for the offence.

Reduction of term of imprisonment.

18. (1) Where the court adjudges any person to undergo a term of imprisonment for a summary conviction offence, and he is already undergoing, or has been at the same sitting of the court adjudged to undergo imprisonment for another offence, the court may direct that

Consecutive sentences of imprisonment.
[6 of 1937]

LAWS OF GUYANA

22

Cap. 8:02

Summary Jurisdiction (Offences)

that imprisonment shall commence at the expiration of the imprisonment which he is then undergoing, or has been so previously adjudged to undergo as aforesaid.

(2) In this section the expression “imprisonment” shall include cases where imprisonment is imposed by a court on any person with or without the option of a fine, or in respect of the non-payment of any sum of money or for failing to do or abstaining from doing any act or thing required to be done or left undone.

TITLE 3

Abetment and Attempt

Abetment of
summary
conviction
offence.

19. Every person who aids, abets, counsels, causes, or procures, the commission of any summary conviction offence shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction, and shall be liable, on conviction, to the same punishment as that to which the principal offender is liable by law.

Attempt and
incitement to
commit
summary
conviction
offence.

20. Subject to the express provisions of any statute for the time being in force in that behalf, every person who attempts to commit, or incites any other person to commit, any summary conviction offence shall be liable to one-half of the punishment prescribed for that offence by the statute creating it.

PART II

OFFENCES AGAINST THE PERSON

TITLE 4

Assault and Similar Offences

Assault.
[1 of 1989
8 of 1970 of
10 of 1998]

21. Everyone who unlawfully assaults any person shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars or to imprisonment for six months.

LAWS OF GUYANA

22. Where anyone is convicted of an assault upon any person, and the assault is, in the opinion of the court, of such an aggravated nature that it cannot be sufficiently punished under the last preceding section, the offender shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars or to imprisonment for eighteen months.

Aggravated assault.
[1 of 1989
19 of 1990
8 of 1997
10 of 1998]

23. Everyone who, being the guardian of any child—

Ill-treatment and neglect of child.

(a) wilfully ill-treats, neglects, abandons, or exposes the child, in a manner likely to cause it unnecessary suffering or injury to its health; or—

[1 of 1989
8 of 1997
10 of 1998]

(b) when the child is ill and needs attendance or provision, and being able to procure or provide it, wilfully neglects to procure for the child the attendance of a duly qualified medical practitioner, or to provide the child with suitable medicines and medical comforts and with proper food,

shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars or to imprisonment for eighteen months:

Provided that no one shall be liable to be prosecuted under this section except by a police constable.

24. Everyone who indecently assaults any female shall be liable to imprisonment for eighteen months.

Indecent assault on female.
[1 of 1989
10 of 1998]

25. Everyone who, being masked or otherwise disguised, unlawfully assaults any person shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars, or to imprisonment for eighteen months.

Assault by person when disguised.
[1 of 1989
10 of 1998]

LAWS OF GUYANA

24

Cap. 8:02

Summary Jurisdiction (Offences)

Assaulting or threatening violence to purchaser of produce.
[1 of 1989
8 of 1997
10 of 1998]

26. Everyone who—

(a) assaults, or uses any threat of violence to, any person, with intent to deter or hinder him from buying, selling, or otherwise disposing of, or to compel him to buy, sell or otherwise dispose of, any corn, rice, or other grain, flour, cocoa, coffee, plantains, bananas, yams, tannias, cassava, or sweet potatoes; or

(b) assaults, or uses any threat of violence to, any person having the care or charge of any corn, rice, or other grain, flour, cocoa, coffee, plantains, bananas, yams, tannias, cassava, or sweet potatoes, whilst on the way to or from any town or other place, with intent to stop or hinder the conveyance thereof,

shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars or to imprisonment for ten months.

Wrongful interference with exercise of right.
[6 of 1942
1 of 1989
8 of 1997
10 of 1998]

27. (1) Subject to this section, any person who wrongfully and with a view to compelling any other person to do any act which he is not legally bound to do or to abstain from doing any act which he has a legal right to do—

(a) uses violence to or intimidates such other person or his wife or children, or injures his property; or

(b) persistently follows such other person about from place to place; or

(c) hides any tools, clothes or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

(d) watches or besets the house or other place where such other person resides or works, or carries on business, or happens to be, or the approach to such house or place; or

(e) follows such other person in a disorderly manner in or through any street, road, yard or dam,

shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars and to imprisonment for eighteen months.

(2) It shall be lawful for one or more persons, but not more than three in any one place at any one time, acting on their own behalf or on behalf of any trade union registered under the Trade Unions Act, or of an individual employer or firm, in contemplation or in furtherance of a trade dispute, to attend at or near a house or place where a person works or carries on business:

Peaceful picketing.
c. 98:03

Provided that—

(a) they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working;

(b) they do not so attend in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace;

(c) they do not commit any act of trespass; and

(d) when so acting, they wear a distinctive badge or armband bearing the word “Picket” inscribed in legible characters.

(3) In this section—

“intimidate” means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;

“injury” includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong;

“trade dispute” means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment, or terms of the employment, or with the conditions of labour, of any person;

“workman” includes any person employed in trade or industry, whether or not in the employment of the employer with whom a trade

LAWS OF GUYANA

26

Cap. 8:02

Summary Jurisdiction (Offences)

dispute arises.

Assault with
intent to resist
lawful
apprehension.
[1 of 1989
8 of 1997
10 of 1998]

28. Everyone who—

(a) assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person, or to rescue anyone from lawful custody; or

(b) assaults, obstructs, or resists any peace officer acting in the execution of his duty, or any person acting in aid of that officer; or

(c) assaults, obstructs, or resists any person acting in the lawful execution of any process issued out of a magistrate's court against any movable or immovable property, or with intent to rescue any movable property taken under that process or under any lawful distress,

shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand or to imprisonment for eighteen months.

Assault on
judicial officer
or minister.
[1 of 1989
8 of 1997
10 of 1998]

29. Everyone who—

(a) assaults any judicial officer acting in the execution of the duties of his office; or

(b) assaults any minister of religion acting in the execution of the duties of his office; or

(c) assaults any person with any deadly or dangerous instrument or means,

shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for twelve months, or, if the person has been convicted of a similar assault within the two years immediately preceding that conviction, to imprisonment for two years four months.

Causing actual
bodily harm
and unlawful
wounding.
[1 of 1989]

30. Everyone who—

(a) unlawfully assaults any person so as to cause him actual bodily harm; or

(b) unlawfully and maliciously wounds, or inflicts any grievous bodily harm upon, any person, whether with or without any weapon or instrument,

[10 of 1998]

shall be liable to imprisonment for eighteen months.

31. If, on the hearing of any complaint for an offence under this Title, the court finds that offence to have been accompanied by any attempt to commit felony, or is of opinion that the case is, from any other circumstance, a fit subject for prosecution by indictment, the court shall abstain from any adjudication thereupon, and shall deal with the matter in all respects in the same manner as if the court had no authority finally to hear and determine it.

Where offence is accompanied by attempt to commit indictable offence.

PART III

OFFENCES AGAINST RIGHTS OF PROPERTY AND RIGHTS ARISING OUT OF CONTRACTS

TITLE 5

Wilful Trespass to Property

32. In this Title, the term “owner” includes any tenant or occupier, and the attorney or agent of any owner as thus defined.

Interpretation of term in Title 5.

33. Everyone who—

(a) unlawfully enters, in an insulting, annoying, or threatening manner, upon any land, yard, garden, stelling, house, or premises, or in any canal, trench, or pond, belonging to another; or

(b) unlawfully enters upon or in that land or other place after having been forbidden by the owner thereof, or his servant, to do so; or

(c) unlawfully enters and remains upon or in that land or other place after having been required by the owner thereof, or his servant, to depart therefrom; or

(d) having lawfully entered upon or in that land or other

Acts constituting wilful trespass.

LAWS OF GUYANA

place, misconducts himself by behaving thereon in an insulting, annoying, or threatening manner; or

(e) having lawfully entered upon or in that land or other place, remains thereon after having been lawfully required by the owner thereof, or his servant, to depart therefrom,

shall be deemed a wilful trespasser.

Wilful trespass
notwithstand-
ing notice.

34. (1) Everyone who wilfully trespasses on any land, yard, garden, stelling, house, or premises, or in any canal, trench, or pond, belonging to another, on or near to which there is posted up, in one or more conspicuous place or places, a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing without leave of the owner of the land, yard, garden, stelling, house, premises, canal, trench, or pond, shall be deemed a wilful trespasser.

(2) That trespasser may be seized and detained by the owner or his servant, or by any person whom the owner or the servant may call to his assistance and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

Trespass to
land by night.

35. (1) Everyone found between the hours of seven o'clock in the evening of the day and five o'clock in the morning of the next day in any yard, garden, farm, or cultivated lands, or in any interval between cultivated lands other than a path permitted to be used by the general public, or in or about the works of any sugar estate, who, on being taken before the magistrate of the district in which he is so found, fails to satisfy the magistrate that he had some reasonable cause or excuse for being in the place where he was so found, shall be deemed a wilful trespasser.

(2) That trespasser may be seized and detained by any police or other constable, or by the owner of the land or premises on or near which the trespasser is found, or his servant, or by any person whom

LAWS OF GUYANA

the police or other constable, or the owner or servant calls to his assistance and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

36. If the trespasser, at the time of his trespassing, has, or is in possession of, any sugar-cane, coffee, plantain, banana, fruit, or vegetable product similar in kind to any growing or being in or upon the land, yard, garden, house, or premises on which the trespass is committed, or of any fish similar in kind to any then or immediately theretofore in the canal, trench, or pond in which the trespass is committed, the owner or his servant aforesaid may seize and detain the sugar-cane, coffee, plantain, banana, fruit, or vegetable product, or fish, until the trespasser proves, to the satisfaction of the magistrate, that it has not been taken or obtained out of or from the land, yard, garden, house, premises, canal, trench, or pond aforesaid; and in the event of a trespasser failing to give that proof, the article shall be delivered to the owner, to be by him disposed of as he thinks fit.

Mode of dealing with article found in possession of wilful trespasser.

37. If the trespasser carries, leads, or drives on the land, yard, garden, stelling, house, or premises on which the trespass is committed any horse, mule, ass, or other animal, or puts or places, or causes to be put or placed, on the land, yard, garden, stelling, house, or premises, any cart, wheelbarrow, or other vehicle, building, materials, tools, or implements of any description, timber, firewood, or other wood, or any other thing of whatever description, that horse, mule, ass, animal, cart, wheelbarrow, vehicle, building material, tool, implement, timber, firewood, wood, and thing may be seized and detained by the owner of the land, yard, garden, stelling, house, or premises, or by his servant; and, on complaint made and on proof, to the satisfaction of the magistrate, that any person trespassing as aforesaid has carried, led, or driven on the land, yard, stelling, house, or premises, on which the trespass was committed the horse, mule, ass, or animal, or has put or placed or caused to be put or placed, on the land, yard, garden, stelling, house, or premises the cart, wheelbarrow, vehicle, building material, tool, implement, timber, firewood, wood, or thing, the magistrate shall order it to be publicly sold within ten days thereafter, and out of the proceeds thereof shall pay the amount of any damage suffered by the

Dealing with animal or thing brought on land by wilful trespasser.

LAWS OF GUYANA

owner by virtue of the trespass, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

Wilful trespass with vessel on private wharf notwithstanding notice.

38. (1) Every person who fastens any vessel, boat, bateau, punt, corial, craft, raft, or float to any private stelling, wharf, land, or landing-place, or any part thereof, or brings, places, or puts any vessel, boat, bateau, punt, corial, craft, raft, or float in any private trench or canal, whether used or not for drainage or otherwise, or puts or places any article whatsoever upon the stelling, wharf, land, or landing-place, or in or over the trench or canal, on or near to which there is posted up a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing, without leave of the owner of the stelling, wharf, land, landing-place, trench, or canal, or without some pressing necessity, shall be deemed a wilful trespasser.

(2) That trespasser, vessel, boat, bateau, punt, corial, craft, raft, float, and article may be seized and detained by the owner or his servant, or by any person whom the owner or the servant calls to his assistance, and the trespasser shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

(3) If any damage is done to the stelling, wharf, land, landing-place, trench, or canal, or if any fine is imposed on the trespasser, the magistrate shall order the vessel, boat, bateau, punt, corial, craft, raft, or float, to be publicly sold within ten days thereafter, and out of the proceeds thereof shall pay to the owner of the stelling, wharf, land, landing-place, trench, or canal the amount of the damage so done, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

Wilful trespass on land between high and low water-marks notwithstanding notice, and fishing therefrom.

39. (1) Everyone found in or upon, or entering in or upon, any land, whether covered with water or not, situate between high water-mark and low water-mark upon the bank of any river, creek, or stream, or upon the sea-coast in front of any plantation, estate, or land, on or near to which there is posted up a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing without leave of the owner of that

plantation, estate, or land, who there destroys, ensnares, catches, or takes any fish, crab, or other animal, shall be deemed a wilful trespasser.

(2) That trespasser may be seized and detained by the owner or his servant, or by any person whom the owner or the servant calls to his assistance, and shall be taken without delay before a magistrate or to a police station, to be dealt with according to law.

(3) If the trespasser, at the time of his trespassing, has with him any vessel, boat, bateau, punt, corial, craft, raft, or float, or any seine, net, fishing-tackle, or other implement for destroying, ensnaring, catching, or taking fish, crabs, or other animals, that also may be seized and detained by the owner, servant, or person, and if the trespasser is convicted, the magistrate shall order the article to be publicly sold within ten days thereafter, and out of the proceeds thereof, shall pay the amount of any damage suffered by the owner by virtue of the trespass, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

(4) If the trespasser, at the time of his trespassing, has, or is in possession of, any fish, crab, or other animal, whether dead or alive, it may be seized by the owner, servant, or person and taken before the magistrate, who, if the trespasser is not able to prove that he caught or obtained the fish, crab, or other animal, at or from some place other than that upon which he was found trespassing, shall order the fish, crab, or other animal to be delivered to the owner, to be by him disposed of as he thinks fit.

40. (1) Everyone found in or upon, or entering in or upon, any land, whether covered with water or not, situate between high water-mark and low water-mark upon the bank of any river, creek, or stream, or upon the sea-coast in front of any plantation, estate, or land, on or near to which is posted up a notice, in large legible letters, forbidding in general terms all persons to trespass and warning them that they will be prosecuted for so doing without leave of the owner of the plantation, estate, or land, who there cuts down, cuts up, or gathers any wood,

Wilful trespass on land between high and low water-marks notwithstanding notice, and cutting wood thereon.

LAWS OF GUYANA

timber, or tree, or any part of any wood, timber, or tree, whether growing or fallen, or digs up, removes, or carries away any soil, caddy, sand, or shells, shall be deemed a wilful trespasser.

(2) That trespasser may be seized and detained by the owner, or his servant, or by any person, whom the owner or the servant calls to his assistance, and shall be taken without delay before a magistrate, or to a police station, to be dealt with according to law.

(3) If the trespasser, at the time of his trespassing, has with him any vessel, boat, bateau, punt, corial, craft, raft, or float, or any axe, hatchet, cutlass, saw, or other tool or implement used for or capable of felling trees, or of cutting or splitting wood, or of digging, lifting up, removing, or carrying away any soil, caddy, sand, or shells, that also may be seized and detained by the owner, servant, or person, and, on complaint made for the trespass, the magistrate may order the article to be publicly sold within ten days thereafter, and out of the proceeds thereof shall pay the amount of any damage suffered by the owner by virtue of the trespass, and shall deduct the amount of any fine inflicted upon the trespasser, unless the amount of the damage and fine is sooner paid.

(4) If the trespasser has ready for removal any wood, timber, tree, soil, caddy, sand, or shells, the same shall be forfeited and delivered over, on the order of the magistrate, to the owner, to be by him disposed of as he thinks fit.

Saving of
certain rights
of pathway.

41. No labourer or other person having or occupying any house or cottage, or any room therein on any plantation or settlement, having an open path, or road, or way generally used leading from a public way to that house, cottage, or room, nor his family, relations, and visitors, shall be deemed a wilful trespasser or wilful trespassers, within the meaning of this Title, by reason of his or their passing or repassing along or upon the open path, or road, or way generally used.

LAWS OF GUYANA

42. Everyone convicted of a wilful trespass under this Title shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

Penalty for wilful trespass.
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

43. (1) Everyone who pulls down, injures, removes or destroys any board or notice posted up, as mentioned in this Title, for the purpose of forbidding and warning trespassers, or obliterates any letter or figure thereon, shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

Injury to notice forbidding trespassers.
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

(2) Out of the fine, when recovered, there shall be paid any expenses attending the restoration of the board or notice, and the amount of those expenses shall be determined by the magistrate.

44. Every police or rural constable shall assist in the apprehension and detention of any wilful trespasser whenever called upon to do so by the owner, or by the servant of the owner, of the property on which the trespass takes place.

Assistance in apprehension of wilful trespasser.

45. (1) If anyone enters upon and uses or occupies any land, belonging to another, without leave of the owner thereof or without lawful authority for so doing, the magistrate of the district in which that land is situate may summon before the court the person so using or occupying the land to show cause why an order should not be made for his removal therefrom.

Prevention of squatting.
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

(2) If on the hearing of the complaint, it is proved to the satisfaction of the court that the defendant has entered upon and used or occupied the land without leave or lawful authority for so doing, the court may make an order for the removal, by force if necessary, of the person from the land, and also of any building, animal, or thing which he has placed or has thereon.

LAWS OF GUYANA

(3) The magistrate may also in addition, if he thinks fit, impose on the person a fine of not less than five thousand dollars nor more than twenty thousand dollars and a sentence of imprisonment for six months, and may order that the whole or any portion of the fine, if paid or recovered, shall be paid to the owner of the land.

Making of complaint under Title 5.

46. Every complaint for an offence under this Title shall be made by the owner, or by the attorney or agent of the owner, of the property on or with respect to which the trespass or injury is committed or the use or occupation takes place:

Provided that any manager or overseer employed on any plantation shall be deemed to be the agent of the owner for the purposes of this section.

TITLE 6

Malicious Injury to Property

Injury to Growing Things

Injury to growing trees to amount not exceeding \$2,000. [1 of 1989 8 of 1997 10 of 1998]

47. Everyone who unlawfully and 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 park, pleasure ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, the injury done being to an amount exceeding one dollar but not exceeding two thousand dollars, shall be liable to imprisonment for eighteen months.

Injury to growing trees elsewhere than in park, to amount not exceeding \$20,000. [1 of 1989 8 of 1997]

48. Everyone who unlawfully and 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 elsewhere than in any of the situations mentioned in the last preceding section, the injury done being to an amount exceeding one dollar but not exceeding twenty thousand dollars, shall be liable to imprisonment for eighteen months.

LAWS OF GUYANA

49. Everyone who unlawfully and 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, wheresoever growing, the injury done being to an amount not exceeding twenty thousand dollars, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars or to imprisonment for six months, and, on a second conviction for that offence, shall be liable to imprisonment for ten months, and, on a third or any subsequent conviction therefor, shall be liable to imprisonment for eighteen months.

Injury to trees wherever growing, to amount not exceeding \$20,000.
[1 of 1989
8 of 1997
10 of 1998]

50. Everyone who unlawfully and maliciously destroys, or damages with intent to destroy, any plant, root, fruit, or vegetable product growing in any garden, orchard, nursery-ground, greenhouse, or conservatory shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars or to imprisonment for ten months, and, on a second or any subsequent conviction for that offence, shall be liable to imprisonment for eighteen months.

Destroying vegetable product growing in garden
[1 of 1989
8 of 1989
10 of 1998]

51. Everyone who unlawfully and maliciously destroys, or damages with intent to destroy, any fruit or any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, whether open or enclosed, not being a garden, orchard, or nursery-ground, shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars or to imprisonment for four months, and, on a second conviction for that offence, shall be liable to imprisonment for nine months, and, on a third or any subsequent conviction therefor, shall be liable to imprisonment for eighteen months.

Destroying vegetable product growing elsewhere than in garden.
[1 of 1989
8 of 1997
10 of 1998]

Injury to Animals

52. (1) Everyone who unlawfully and maliciously—

(a) throws any substance poisonous to fish into any river, creek, or stream, for the purpose of poisoning, stupefying, taking, or destroying any fish; or

(b) throws any substance poisonous to fish into any part of the sea, at the mouth of any river, creek, or stream, running

Poisoning and destroying fish.
[1 of 1989
8 of 1997
10 of 1998]

LAWS OF GUYANA

into the sea, for the purpose of poisoning, stupefying, taking, or destroying any fish; or

(c) turns or obstructs any river, creek, stream, or trench, for the purpose of taking or destroying any fish,

shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars:

Provided that the magistrate may allow any relaxation of this enactment he thinks proper in the case of any Amerindian.

(2) Everyone who uses dynamite or other explosive substance to catch or destroy fish, or so uses it as to render probable the destruction of fish in any of the rivers or creeks of Guyana shall be liable, on summary conviction, to a fine of not less thirty-five thousand dollars nor more than seventy thousand dollars:

Provided that nothing herein contained shall prevent the use of dynamite or other explosive substance in removing obstructions or in lawful mining in the rivers and creeks of Guyana.

Injury to animal not being cattle. [1 of 1989 8 of 1997] 10 of 1998]

53. Everyone who unlawfully and maliciously kills, maims, or wounds any dog, bird, beast, or other animal, not being an animal mentioned in section 55, but being either the subject of larceny at common law or ordinarily kept in a state of confinement or for any domestic purpose, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars, and, on a second or any subsequent conviction for that offence, shall be liable to imprisonment for twelve months.

Catching and using cattle, without consent of owner. [1 of 1989 8 of 1997 10 of 1998]

54. Everyone who unlawfully catches, takes, or drives any cattle from or out of any pasture, enclosure, stable, or other place, for the purpose of riding the animal, or of using it in the carrying of any load or burden, or in the drawing of any cart or carriage, or for the purpose of setting it loose or of driving it about, or for any other unlawful purpose, without the consent of the owner or of the person entrusted with the charge of the animal, and without having any probable claim or pretence of title thereto, shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

LAWS OF GUYANA

55. Everyone who unlawfully and maliciously kills, maims, or wounds any horse, mare, gelding, colt, or filly, or any mule, or any ass, or any bull, cow, ox, steer, heifer, or calf, or any ram, ewe, sheep, or lamb, or any goat or kid, or any boar, sow, barrow, hog, or pig, the value of the animal killed, maimed, or wounded, not exceeding forty thousand dollars, or causes any damage, not exceeding forty thousand dollars, to any animal aforesaid, shall, on conviction thereof, be liable to imprisonment for eighteen months.

Injury to cattle.
[21 of 1932
30 of 1954
1 of 1989
8 of 1997
10 of 1998]

Injury to other Things

56. Everyone who unlawfully and maliciously cuts, breaks, throws down, or in any way destroys any fence or paling, or any wall, stile, or gate, or any part thereof respectively, shall be liable to a fine of not less than three thousand dollars nor more than six thousand dollars, and, on a second or any subsequent conviction for the offence, shall be liable to imprisonment for twelve months.

Injury to fences, walls or gates.
[1 of 1989
8 of 1997
10 of 1998]

57. Everyone who unlawfully and maliciously—

(a) cuts, breaks, throws down, destroys, damages, or removes any battery, machinery, wire, cable, post, or other thing whatsoever, being part of, or being used or employed in or about, any electric or magnetic telegraph or telephone, or in the working thereof; or

(b) prevents or obstructs in any manner whatsoever the sending, conveyance, or delivery of any communication by that telegraph or telephone,

Injury to parts of electric or magnetic telegraph.
[1 of 1989
8 of 1997
10 of 1998]

shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for three months, and, on a second or any subsequent conviction for the offence, shall be liable to imprisonment for twelve months.

58. Everyone who unlawfully and maliciously destroys or damages any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any museum, gallery, cabinet, library, or other repository, which is, either at all times, or from time to time, open for the

Injury to literary, scientific or artistic work.
[1 of 1989
24 of 1990]

LAWS OF GUYANA

38

Cap. 8:02

Summary Jurisdiction (Offences)

8 of 1997]
[10 of 1998]

admission of the public to view those articles or things, either by the permission of the proprietor thereof, or on the payment of money before entering the repository, or any picture, statue, monument, or other memorial of the dead, or painted glass or other ornament or work of art, in any church, chapel, temple, mosque, synagogue, meeting-house, or other place of divine worship, or in any building belonging to the State, or to any county, town, parish, or place, or to any college or school, or in any street, square, churchyard, or yard of any temple, mosque or synagogue, burial-ground, or public garden or ground, or any fountain, statue, or monument exposed to public view, or any ornament, railing or fence surrounding that fountain, statue or monument, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars or to imprisonment for twelve months.

Injury to
fishing
apparatus.
[1 of 1989
8 of 1997
10 of 1998]

59. Everyone who unlawfully and maliciously destroys or damages any net, crawl, pot, or other vessel or apparatus of another, being or set in the sea or in any river, creek, or stream, for the purpose of catching, taking or keeping turtle or fish, or any turtle or fish caught or being in any net, crawl, pot, or other vessel or apparatus of any other person, being or set as aforesaid, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

Injury to
goods
entrusted to
worker
thereon.
[21 of 1932
30 of 1954
1 of 1989
8 of 1997
10 of 1998]

60. Everyone who, being an artificer, workman, journeyman, apprentice, servant, or labourer, unlawfully and maliciously destroys or damages any goods, wares, work, or materials committed to his care and charge as artificer, workman, journeyman, apprentice, servant or labourer, without the consent of the person by whom he is hired, retained, or employed, the injury done being to an amount not exceeding twenty thousand dollars, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for three months, and, on a second or any subsequent conviction for the offence, shall be liable to imprisonment for twelve months.

Supplemental Provisions

Injury not
specially
provided for.
[21 of 1932]

61. Everyone who unlawfully and maliciously commits any damage, injury, or spoil, to or upon any movable or immovable property, either of a public or private nature, for which no punishment is hereinbefore

LAWS OF GUYANA

provided, the damage, injury, or spoil done being to an amount not exceeding twenty thousand dollars, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for ten months.

30 of 1954
1 of 1989
8 of 1997
10 of 1998]

62. Everyone who unlawfully and maliciously in any manner destroys or damages anything belonging to or in the possession of another, or to which any other has the right of possession, notwithstanding that the thing is not of any pecuniary or saleable value, or of any value whatever, except to the person to whom it belongs, or in whose possession it is, or in whom exists the right of possession, shall, be liable to a fine of five thousand dollars, although no pecuniary damage to the thing has been committed by the person so offending.

Injury without pecuniary damage.
[1 of 1989
8 of 1997
10 of 1998]

63. Every provision of this Title not hereinbefore so applied shall apply to every person who, with intent to injure or defraud any other person, commits any of the offences mentioned in this Title, although the offender may be in possession of the property against or in respect of which the offence is committed.

When offender is in possession of property injured.

64. Every punishment by this Title imposed on any person who unlawfully and maliciously commits any offence against or in respect of property shall equally apply and be enforced whether the offence is committed from malice conceived against the owner of the property in respect of which it is committed or otherwise.

Malice against owner of property not necessary

65. Nothing shall be an offence under any provision contained in this Title unless it is done without legal justification:

Saving of act done under colour of right

Provided that where the offence consists in an injury to anything in which the offender has an interest, the existence of that interest, if partial, shall not prevent his act being an offence, and the fact that the thing injured belonged wholly to the offender shall not prevent his act being an offence, if it is done with intent to injure or defraud.

LAWS OF GUYANA

TITLE 7

Larceny and Similar Offences

Simple Larceny

Simple larceny
[21 of 1932
6 of 1946
26 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]
c.16:06

66. Everyone who commits simple larceny, the value of the property stolen not exceeding sixty thousand dollars, shall be liable—

(a) where the offence is in respect of an explosive within the meaning of the Explosives Act, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for three years

(b) where the offence is in respect of a bicycle or any part thereof, to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars, or to imprisonment for three years; and

(c) in all other cases, to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars or to imprisonment for eighteen months.

Larceny by
bailee.
[21 of 1932
6 of 1946
30 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

67. Everyone who, being a bailee of any chattel, money, or valuable security, not exceeding sixty thousand dollars in value or amount, fraudulently takes or converts it to his own use or to the use of any person other than the owner thereof, although he does not break bulk or otherwise determine the bailment, shall be guilty of larceny, and on conviction thereof on a complaint for larceny under the last preceding section, shall be liable—

(a) where the conviction is in respect of a bicycle or any part thereof, to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars or to imprisonment for three years; and

(b) in all other cases, to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars or to imprisonment for eighteen months.

Larceny of Growing Things

- 68.** Everyone who steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, growing in any park, pleasure-ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, the value of the article stolen or the amount of the injury done exceeding one dollar but not exceeding thirty thousand dollars, shall be liable to imprisonment for twelve months.
- Stealing or damaging things growing in garden of value not exceeding \$30,000
[1 of 1989
8 of 1998
10 of 1998]
- 69.** Everyone who steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, growing elsewhere than in any of the places mentioned in the last preceding section, the value of the article stolen or the amount of the injury done exceeding one dollar but not exceeding thirty thousand dollars, shall be liable to imprisonment for twelve months.
- Stealing or damaging things growing elsewhere than in garden of value not exceeding \$30,000.
[21 of 1932
4 of 1972
1 of 1989
8 of 1997
10 of 1998]
- 70.** Everyone who steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever growing, the value of the article stolen, or the amount of the injury done, not exceeding thirty thousand dollars, shall be liable to a fine of not less than forty-five thousand dollars nor more than ninety thousand dollars or to imprisonment for four months, and, on a second conviction for that offence, shall be liable to imprisonment for six months, and, on a third or any subsequent conviction therefor, shall be liable to imprisonment for twelve months.
- Stealing or damaging things, wherever growing, of value not exceeding \$30,000.
[1 of 1989
8 of 1997
10 of 1998]

LAWS OF GUYANA

42

Cap. 8:02

Summary Jurisdiction (Offences)

Stealing or
damaging
vegetable
product
growing in
garden
[1 of 1989
8 of 1997
10 of 1998]

71. Everyone who steals, or destroys or damages with intent to steal, any plant, root, fruit, or vegetable product growing in any garden, orchard, pleasure-ground, nursery-ground, greenhouse, or conservatory shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty or to imprisonment for ten months, and, on a second or any subsequent conviction for that offence, shall be liable to imprisonment for eighteen months.

Praedial
larceny.
[4 of 1972
3 of 1983
1 of 1989
8 of 1997]

72. (1) Everyone who steals or destroys or damages with intent to steal the product of any cultivated tree or plant, where such product may be used for food, seed, tobacco, spice, stockfeed or any other purpose or made into beverage, fibre, medicine, ornament, lumber or anything of value, or the product of any other cultivated plant or tree declared by the Minister by notice in the *Gazette*, growing in any land, whether open or enclosed, which is not a garden, orchard, pleasure-ground, or nursery-ground, shall, in cases not within the next ensuing section be liable—

(a) if the offence was committed in any district so specified as hereinafter mentioned, to a fine of not less than fifty thousand dollars nor more than one hundred and fifty thousand dollars together with imprisonment for not less than twelve months nor more than three years, with or without whipping or flogging as the court orders; and,

(b) if the offence was committed elsewhere, to a fine of not less than fifty thousand dollars nor more than one hundred and fifty thousand dollars together with imprisonment for not less than twelve months nor more than three years:

Provided that the court may for any special reasons to be recorded in writing impose any lesser sentence than the sentence prescribed in the preceding provisions.

(2) The Minister whenever, owing to the number of offences under the preceding subsection committed in any part of Guyana, it appears to him expedient to do so, may by order published in the *Gazette* declare that part of Guyana a specified district within the meaning of that subsection.

73. Everyone who—

- (a) being armed with any dangerous or offensive weapon or instrument commits the offence in the last preceding section mentioned; or
- (b) together with one or more other person or persons commits that offence; or
- (c) commits that offence and, at the time of or immediately before or immediately after so doing, wounds, beats, strikes, or uses any other personal violence or threatens to use personal violence to any person; or
- (d) commits that offence after a previous conviction thereof; or
- (e) is found by night armed with any dangerous offensive weapon or instrument and in company with another or others with intent to steal any of the articles mentioned in the last preceding section,

Praedial larceny, with aggravating circumstances [3 of 1983 10 of 1998]

shall be liable to imprisonment for not less than twenty four months nor more than forty months with or without whipping or flogging as the court orders:

Provided that the court may for any special reasons to be recorded in writing impose any lesser sentence than the sentence prescribed in the preceding provisions.

74. Everyone who steals, or destroys or damages with intent to steal, any fruit or any cultivated root or plant, other than any mentioned in section 72 of this Act, used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, whether open or enclosed, which is not a garden, orchard, pleasure-ground, or nursery-ground, shall be liable to a fine of not less than twenty thousand dollars nor more than forty

Larceny of fruit, root or plant, other than those in section 72. [1 of 1989 8 of 1997 10 of 1998]

LAWS OF GUYANA

thousand dollars or to imprisonment for four months, and, on a second or any subsequent conviction therefor, shall be liable to imprisonment for eighteen months.

Interpretation of terms in next section.

75. For the purposes of the next succeeding section—

“raw gold” includes any substance or thing containing gold, or of which gold forms a part, whether it has been smelted or not;

“precious stones” means rough or uncut precious stones;

“valuable minerals” means any mineral containing gold, silver, platinum, and any of the rarer metals, or any combination of them, together with some other metal or mineral matter in such proportion that the gold, silver, platinum and rarer metal or combination of them is or was of greater value than the baser metal or mineral matter in which it is or was contained.

Stealing of raw gold, precious stones, valuable minerals, petroleum, balata, rubber and the like [1 of 1989 10 of 1998]

76. (1) Everyone who—

- (a) steals, or severs from any land with intent to steal, any raw gold, precious stones or valuable minerals; or
- (b) severs from any land with intent to steal any bauxite; or
- (c) abstracts from any land, with intent to steal, any petroleum, asphalt, maniac, or any substance of a like nature; or
- (d) bleeds any growing tree with intent to steal rubber, balata, gum, or any substance of a like nature,

shall be guilty of an offence and shall be liable to imprisonment for twelve months.

Entering land with intent so to steal [10 of 1998]

(2) Everyone who enters any land with intent to do any act which is by the preceding subsection made an offence, shall be guilty of an offence and shall be liable to imprisonment for twelve months.

(3) Where an offence is charged under subsection (1) or subsection (2) and the evidence discloses the commission of an offence under subsection (2) or subsection (1) respectively, the accused person shall not be entitled to be acquitted, but he may be convicted of that offence and punished accordingly.

Larceny of Animals

77. Everyone who unlawfully and wilfully kills, wounds, or takes any house-dove or pigeon, in circumstances not amounting to larceny at common law, shall, on conviction thereof, be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

Killing house-dove or pigeon
[1 of 1989
8 of 1997
10 of 1998]

78. Everyone who unlawfully and wilfully takes or destroys any fish in any water which runs through, or is in, any land adjoining or belonging to the dwelling-house of any person, who is the owner of the water or has a right of fishery therein, shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars.

Taking fish in water in private land
[1 of 1989
8 of 1997
10 of 1998]

79. Everyone who unlawfully and wilfully takes or destroys any fish in any water not such as mentioned in the last preceding section, but which is private property or in which there is any right of private fishery, shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars.

Taking fish in other water.
[1 of 1989
8 of 1997
10 of 1998]

80. Nothing in the last two preceding sections shall extend to any person angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset; but everyone who, by angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, unlawfully and wilfully takes or destroys any fish in the first mentioned water, shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars, and in the last mentioned water, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

Saving of angling rights in the day-time
[1 of 1989
8 of 1997
10 of 1998]

81. If anyone is at any time found fishing in contravention of the provisions of this Title, the owner of the ground, water, or fishery where the offender is so found, or his servant, or any person authorised by him, may demand from the offender any rod, line, hook, seine, net,

Mode of dealing with person found fishing contrary to

LAWS OF GUYANA

this Title or other implement for taking or destroying fish then in the offender's possession, and, if the offender does not immediately deliver it up, may seize and take it from him for the use of the owner:

Provided that any person angling in contravention of the provisions of this Title, between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, from whom any implement used by anglers is taken, or by whom it is so delivered up, shall, by the taking or delivering up thereof, be exempt from the payment of any fine or damages for the angling.

Larceny of animal ordinarily kept in confinement [1 of 1989 8 of 1997 10 of 1998]

82. Everyone who—
(a) steals any bird, beast, or other animal, not being an animal mentioned in this Title but which is either the subject of larceny at common law or is ordinarily kept in a state of confinement for the purpose of observation, show, or amusement, or for any domestic purpose; or
(b) wilfully kills that bird, beast, or animal, with intent to steal the carcass, skin, or any part thereof,

shall be liable to a fine of not less than twenty thousand dollars nor than forty thousand dollars, or to imprisonment for three months, and, on a second or any subsequent conviction therefor, to imprisonment for twelve months.

Dog-stealing. [1 of 1989 8 of 1997 10 of 1998]

83. Everyone who steals a dog shall be liable to a fine of not less than twenty thousand dollars nor more than forty or to imprisonment for six months, and, on a second or any subsequent conviction therefor, to imprisonment for twelve months.

Larceny of certain animals of value not exceeding \$60,000 [21 of 1932 30 of 1954 4 of 1972 1 of 1989 8 of 1997 10 of 1998]

84. Everyone who steals any horse, mare, gelding, colt, or filly, or mule, or ass, or bull, cow, ox, steer, heifer, or calf, or ram, ewe, sheep, or lamb, or goat or kid, or boar, sow, barrow, hog, or pig, the value of the animal stolen not exceeding sixty thousand dollars, shall be liable to imprisonment for three years.

LAWS OF GUYANA

85. Everyone who wilfully kills any animal mentioned in the last preceding section, with intent to steal the carcass, skin, or any part thereof, the value of the animal so killed not exceeding sixty thousand dollars, shall be liable to imprisonment for three years.

Killing those animals with intent to steal carcass.
[21 of 1932
30 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

Miscellaneous Larcenies

86. Everyone who steals, or cuts, breaks, throws down, or in any way destroys with intent to steal, any fence or paling, or any wall, stile or gate, or any part thereof respectively, shall be liable to a fine of twenty thousand dollars, and, on a second or any subsequent conviction therefor, to imprisonment for six months.

Stealing live or dead fence.
[1 of 1989
8 of 1997
10 of 1998]

87. Everyone who steals any chattel, money, or valuable security from the person of another, the value or amount of the chattel, money, or valuable security not exceeding sixty thousand dollars, shall be liable to imprisonment for eighteen months.

Larceny from the person to amount not exceeding \$60,000
[21 of 1932
30 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

88. Everyone who steals any chattel or fixture, let to be used by him or her in or with any house or lodging, whether the contract has been entered into by him or her, or by his wife or her husband, or by any person on behalf of him or her or his wife or her husband, the value of the chattel or fixture so stolen not exceeding sixty thousand dollars, shall be liable to imprisonment for twelve months.

Larceny by tenant or lodger of chattel or fixture let with house or lodging
[21 of 1932
30 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

LAWS OF GUYANA

48

Cap. 8:02

Summary Jurisdiction (Offences)

Larceny by
clerk or
servant.
[21 of 1932
30 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

89. Everyone who, being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, steals any chattel, money, or valuable security belonging to or in the possession or power of his master or employer, the value or amount of the chattel, money, or valuable security not exceeding sixty thousand dollars, shall be liable—

(a) where the offence is in respect of a bicycle or any part thereof, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for three years; and

(b) in all other cases, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for eighteen months.

Servant taking
his master's
corn for animal
[1 of 1989
8 of 1997
10 of 1998]

90. Any servant who, contrary to the orders of his master, takes from his master's possession any corn, pulse, roots, or other food, for the purpose of giving it, or of having it given, to any horse or other animal belonging to or in the possession of his master, shall not, by reason thereof, be deemed guilty of, or be proceeded against for, stealing the corn, pulse, roots, or other food, but shall, on conviction of the offence be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars or to imprisonment for four months.

Embezzlement

Embezzlement
by clerk or
servant.
[21 of 1932
6 of 1946
30 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

91. Everyone who, being a clerk or servant, or being employed for the purpose, or in the capacity, of a clerk or servant, fraudulently embezzles any chattel, money or valuable security delivered to, or received, or taken into possession, by him for, or in the name or on the account of, his master or employer, or any part thereof, the value or amount of the chattel, money, or valuable security, or part thereof, not exceeding thirty thousand dollars, shall be deemed to have stolen it from his master or employer, although it may not have been received into the possession of his master or employer otherwise than by his actual possession, and shall be liable—

(a) where the offence is in respect of a bicycle or any part thereof, to a fine of not less than forty thousand dollars nor

more than eighty thousand dollars or to imprisonment for three years; and

(b) in all other cases, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for eighteen months.

Fraudulent Misappropriation

92. (1) Every person who—

(a) being entrusted either solely or jointly with any other person with any property in order that he may retain in safe custody or apply, pay or deliver for any purpose or to any person the property or any part or any proceeds thereof; or

(b) having either solely or jointly with any other person received any property for or on account of any other person,

Fraudulent misappropriation.
[24 of 1930
6 of 1946
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

fraudulently converts to his own use or benefit or to the use or benefit of any other person the property or any part or any proceeds thereof not exceeding sixty thousand dollars in value shall be liable—

(i) where the conviction is in respect of a bicycle or any part thereof, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for three years; and

(ii) in all other cases, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for eighteen months.

(2) Nothing in this section shall apply to or affect any trustee on any express trust created by a deed or will or any mortgagee of any property, movable or immovable, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

Receiving

Receiving
stolen
property
[21 of 1932
6 of 1946
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

93. Everyone who receives any chattel, money, valuable security, or other property, the stealing, taking, extorting, obtaining, embezzling, or otherwise disposing whereof amounts to an offence under this Part or under Part III of the Criminal Law (Offences) Act, and the value or amount whereof does not exceed sixty thousand dollars, knowing it to have been so stolen, taken, extorted, obtained, embezzled, or disposed of, shall be liable—

(a) where the offence is in respect of a bicycle or any part thereof, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for three years; and

(b) in all other cases, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars or to imprisonment for eighteen months.

Unlawful Possession

Possession of
thing reason-
ably suspected
to have been
stolen
[6 of 1937
6 of 1946
26 of 1954
4 of 1972
1 of 1989
8 of 1997
10 of 1998]
c16:06

94. (1) Everyone charged before the court with having in his possession, or under his control, in any manner or in any place, anything which is reasonably suspected of having been stolen or unlawfully obtained, who does not give an account, to the satisfaction of the court, as to how he came thereby, shall be liable—

(a) where the offence is in respect of an explosive within the meaning of the Explosives Act, to a fine of not less than forty thousand dollars nor more than eighty thousand dollars and to imprisonment for three years;

(b) where the offence is in respect of a bicycle or any part thereof, to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for three years; and

(c) in all other cases, to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to

imprisonment for eighteen months.

(2) Where anyone is charged before the court with having in his possession, or under his control, in any manner or in any place anything which has been stolen or unlawfully obtained, or which is reasonably suspected to have been stolen or unlawfully obtained, and declares that he received the thing for someone else, or that he was employed as a carrier, agent, or servant, for someone else, the court is hereby authorised, and required if practicable, to cause every other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the thing has passed, or who has had control thereof, to be brought before it and to examine witnesses upon oath touching the thing, and if it appears to the court that any person has had possession or control of the thing and had reasonable cause to believe it to have been stolen or unlawfully obtained, that person shall be deemed to have had possession or control of the thing at the time and place when and where it was found or seized, and shall be liable—

(a) where the offence is in respect of a bicycle or any part thereof, to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for three years; and

(b) in all other cases, to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for eighteen months.

(3) The possession of, or control by, a carrier, agent, or servant, shall be deemed to be the possession of, or control by, the person who employed the carrier, agent, or servant, to have or deal with the thing and that person shall be liable to the punishment herein mentioned.

95. If any animal, of whatever description, mentioned in this Title, or the carcass, head, skin, or any part of the animal, is found in circumstances of suspicion, in the possession or on the premises of any person, and if that person does not satisfy the court that he came lawfully by the animal, or the carcass, head, skin, or other part of the animal, he shall be guilty of an offence, and shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months.

Unlawful
possession of
animal or part
thereof
[1 of 1989
8 of 1997
10 of 1997]

LAWS OF GUYANA

52

Cap. 8:02

Summary Jurisdiction (Offences)

Possession of
instrument for
obtaining
liquor
[10 of 1998]

96. Everyone found in or upon any warehouse, shop, store, stelling, wharf, quay, or landing-place, or on the beach, or on board of any vessel or boat lying or being at anchor or otherwise, in any harbour, river, creek, or inlet in or adjacent to the land of Guyana, having in his possession any tube, quill, or other instrument, for the purpose of unlawfully obtaining any wine, spirits, or other liquors, or having in his possession any skin, bladder, or other material or utensil for the purpose of unlawfully secreting or carrying away the wine, spirits or other liquors, shall be liable to imprisonment for six months.

Possession
of thing from
vessel in
distress or
wrecked.
[1 of 1989
8 of 1997
10 of 1998]

97. If anything belonging to any vessel or boat in distress, or wrecked, stranded, or cast on shore, is found in the possession of any person, or on his premises, with his knowledge, and that person, being taken or summoned before the court, does not satisfy the court that he came lawfully thereby, the thing shall, by order of the court, be forthwith delivered over to or for the use of the rightful owner thereof; and the offender shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for twelve months.

Offering for
sale thing
taken from
vessel in
distress or
wrecked
[1 of 1989
8 of 1997
10 of 1998]

98. If anyone offers or exposes for sale anything which has been unlawfully taken, or is reasonably suspected so to have been taken, from any vessel or boat in distress, or wrecked, stranded, or cast on shore, in that case any person to whom the thing is offered for sale, or any officer of customs or peace officer, may lawfully seize it, and shall with all convenient speed take it or give notice of its seizure, to a magistrate; and if the person who has offered or exposed the thing for sale, being summoned to appear before the magistrate's court, does not appear and satisfy the court that he came lawfully thereby, it shall, by order of the court, be forthwith delivered over to or for the use of the rightful owner thereof, on payment of a reasonable reward, to be fixed by the court, to the person who seized it; and the offender shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for twelve months.

False Pretences, Embezzlement, Corruption

99. Everyone who, by any false pretence, obtains from another any chattel, money, or valuable security, with intent to defraud, the value or amount of the chattel, money, or valuable security not exceeding thirty thousand dollars, shall

Obtaining by false pretence property not exceeding \$60,000 in value

(a) where the offence is in respect of a bicycle or any part thereof, be liable to a fine of not less than twenty thousand dollars or more than forty thousand dollars or to imprisonment for three years months; and

[21 of 1932
6 of 1946
30 of 1954
4 of 1972
1 of 1989

(b) in all other cases, be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for eighteen months:

8 of 1997
10 of 1998]

Provided that if, on the hearing of a complaint for that offence, it is proved that the defendant obtained the property in question in any manner amounting in law to larceny, he shall not by reason thereof be entitled to have the complaint dismissed; and where a person is charged with that offence, and the complaint is either dismissed on the merits or the defendant is convicted, the defendant shall not be liable to be afterwards prosecuted for larceny upon the same facts.

100. Every person who—

Fraudulently obtaining credit and dealing with property with intent to defraud creditors
[24 of 1930
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

(a) in incurring any debt or liability, obtains credit by any false pretence or by means of any other fraud; or

(b) with intent to defraud his creditors or any of them, makes or causes to be made any gift, delivery, or transfer of, or any charge on, his property; or

(c) with intent to defraud his creditors or any of them, conceals, removes, or disposes of, or causes to be concealed, removed or disposed of, any part of his property within four months before or at any time after the date of any unsatisfied judgment or order for payment of money obtained against him or of any agreement with his creditors with reference to his affairs,

LAWS OF GUYANA

shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars or to imprisonment for eighteen months.

False trade
description.
[24 of 1930
6 of 1937
39 of 1955
1 of 1989
8 of 1997
10 of 1998]

101. (1) Every person who, when ordering in writing goods from within or without Guyana, makes, or causes to be made with intent to defraud, which intent shall be presumed unless the contrary is proved, any false representation as to the name, nature, character or extent of the business which he carries on, or as to his place of business or address or the means by which he can be communicated with, shall be liable to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars or to imprisonment for eighteen months.

(2) In any proceedings under this section the receipt by any person of an order for goods or of any document contained in the same envelope as any such order or of any document under separate cover referring or relating to and purporting to be sent by the same person as the order and of the envelope in which any such order or document was received may be proved by evidence by affidavit subject to the following rules:

First Schedule

(a) Every affidavit shall be in the form in the First Schedule or as near thereto as the circumstances permit.

(b) Every affidavit shall be made on the oath of the person or one of the persons from whom the goods have been ordered, or of the manager of the business of such person or of the manager of the department of the business dealing with orders from abroad or the secretary of the company carrying on the business.

(c) There shall be exhibited to every affidavit—

(i) the order for goods;

(ii) any document which has been received by the person from whom the goods have been ordered and which purports to have come from the person ordering the goods and to refer or relate to such order.

(d) Every affidavit shall be sworn—

(i) in any Commonwealth country, before a judge of any superior court, the Mayor or chief magistrate of any city or corporate town or a notary public or a commissioner for oaths;

(ii) in any foreign country, before a Guyanese consular officer or person discharging the functions thereof or a notary public: Provided that where any such affidavit purports to have been sworn before any notary public there shall be annexed to such affidavit a certificate under the hand and seal of a Guyanese consular officer in such country to the effect that the person before whom the affidavit has been sworn is a notary public duly commissioned and practising in such country, or some portion thereof, and that full faith and credit can be given to his acts.

(e) All Courts shall take judicial notice of the signature and seal of every person authorised by this section to administer oaths to affidavits.

(3) Any complaint relating to an offence under this section shall be made within twelve months from the time when the matter of complaint arose.

102. If anyone, being a member of any co-partnership, or being one of two or more beneficial owners of any chattel, money, valuable security, or other property, steals or embezzles the chattel, money, valuable security, or other property of or belonging to the co-partnership or to the joint beneficial owners, its value or amount not exceeding sixty thousand dollars, he shall be liable to be proceeded against and convicted and punished for the offence as if he had not been or was not a member of the co-partnership or one of the beneficial owners.

Larceny or
embezzlement
by partner
[1 of 1989
8 of 1997
10 of 1998]

103. Everyone who—

(a) publicly advertises a reward for the return of any stolen or lost property, and in the advertisement uses any words purporting that no questions will be asked; or

(b) makes use of any word in the public advertisement

Advertising
reward for
return of
stolen
property
[1 of 1989
8 of 1997]

LAWS OF GUYANA

56

Cap. 8:02

Summary Jurisdiction (Offences)

[10 of 1998]

purporting that a reward will be given or paid for any stolen or lost property, without seizing or making any inquiry after the person producing that property; or

(c) promises or offers in the public advertisement to return to any person who has brought, or advanced money by way of loan upon, any stolen or lost property, the money so paid or advanced, or any other sum of money or reward for the return of that property; or

(d) prints or publishes that advertisement,

shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars:

Provided that no proceeding shall be taken under this section against the printer or publisher of any newspaper without the consent in writing of the Director of Public Prosecutions.

Corruptly taking money to restore stolen dog
[10 of 1998]

104. Everyone who corruptly takes any money or reward, either directly or indirectly, under pretence, or on account, of aiding any person to recover any dog which has been stolen, or is in the possession of any person who is not the owner thereof, shall be liable to imprisonment for twelve months.

Interpretation
[21 of 1932
23 of 1969
1 of 1989
8 of 1997
10 of 1998]

105. (1) In this section—

“agent” means anyone employed by or acting for another, and includes a person serving under the State or under any corporation, municipal council, any council of a local government district

established under the Municipal and District Councils Act, board of guardians, or local authority;

“consideration” means valuable consideration of any kind;

“principal” includes an employer;

“public body” means any municipal council, any council of a local government district established under the Municipal and District Councils Act, also any board, commissioners, or other body

having power to administer money raised by rates in pursuance of any public Act, and includes local and public authorities of all descriptions.

(2) If—

Corrupt transactions with agents

(a) an agent corruptly accepts or obtains, or agrees to accept, or attempts to obtain, from anyone, for himself or for another, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having after the enactment of this section done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to anyone in relation to his principal's affairs or business; or

(b) anyone corruptly gives, or agrees to give, or offers, any gift or consideration to an agent as an inducement or reward for doing or forbearing to do, or for having after the enactment of this section done or forborne to do, any act in relation to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to anyone in relation to his principal's affairs or business; or

(c) anyone knowingly gives to any agent, or if any agent knowingly uses with intent to deceive his principal, any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which to his knowledge is intended to mislead the principal,

he shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for twelve months.

(3) Where in any proceedings under this section it is proved that any money, gift, or other consideration, has been paid or given to or received by a person in the employment of the State or any Government department or public body, the money, gift or

Onus of proof

LAWS OF GUYANA

58

Cap. 8:02

Summary Jurisdiction (Offences)

consideration, shall be deemed to have been paid or given and received corruptly as the inducement or reward mentioned in this section unless the contrary is proved.

Prosecution of offences

(4) A prosecution for an offence under this section shall not be instituted without the consent of the Director of Public Prosecutions.

TITLE 8

Forgery and Similar Offences

Sending false telegram; signing without authority.

106. Everyone who, with intent to aggrieve or annoy another,

- (a) knowingly sends any false telegram to anyone; or
- (b) signs the name of anyone to any petition, prospectus, or testimonial, or to any letter or document containing a complaint as to the conduct of any person, knowing that he has no authority for so doing,

shall be deemed guilty of an offence against this Title.

Certificates as to Character or Employment

False personation of master, or giving forged or counterfeit character

107. Everyone who—

- (a) falsely personates any master or the executor, administrator, wife, relation, housekeeper, steward, agent or servant of the master; or
- (b) either personally or in writing, gives any false, forged, or counterfeit character to anyone offering himself to be hired as a servant into the service of any person,

shall be deemed guilty of an offence against this Title.

Giving false certificate as to service

108. Everyone who knowingly and wilfully pretends or falsely asserts, in writing, that a servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for or in which he has hired or retained the servant in his service or employment or for the service of any other person, shall be deemed guilty of an offence against this Title.

109. Everyone who knowingly and wilfully pretends or falsely asserts, in writing, that any servant was discharged, or left his service, at any other time than that at which the servant was discharged or actually left his service, or that the servant had not been hired or employed in any previous service, contrary to truth, shall be deemed guilty of an offence against this Title.

Making false statement as to servant's service.

110. Everyone who—

Offering for service under false pretence

(a) when offering himself as a servant, falsely pretends or asserts that he has served in any service in which he has not actually served, or uses a false, forged, or a counterfeit certificate of his character, or in any wise adds to, alters, effaces, or erases any word, date, matter, or thing contained in or referred to in any certificate given to him by his last or former actual master, or by any person duly authorised by that master to give it; or,

(b) having before been in service, when offering himself as a servant in any service whatsoever, falsely pretends or asserts that he has not been hired or retained in any previous service as a servant; or,

(c) when offering himself as a servant in any service whatsoever, gives a false name,

shall be deemed guilty of an offence against this Title.

111. Everyone who, either personally or in writing, gives any false, forged, or counterfeit character, or makes or gives any false representation or assurance concerning or relating to the character, conduct, credit, or ability of another, to the intent or purpose that that other may obtain any situation either in the public service, or in the service of any corporate body or of any private person, or any licence to be granted under the provisions of any statute, shall be deemed guilty of an offence against this Title.

Giving false or counterfeit character for general purposes.

112. Any servant guilty of an offence against this Title who, before any complaint has been made against him for the offence, discovers and informs against anyone concerned with him in any offence aforesaid, so that that offender is convicted of the offence, shall thereupon, if the court

Indemnification of offender discovering his accomplice.

LAWS OF GUYANA

thinks fit, be discharged and indemnified of, from and against all penalties to which, at the time of giving the information, he might be liable under this Title for his own offence.

Penalty for offence against Title 8 ‘ [1 of 1989 8 of 1997 10 of 1998]

113. Every person guilty of an offence against this Title shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

TITLE 9

False Coin

Interpretation of terms in Title 9. [15 of 1937 0.15/1970]

114. (1) In this Title—

“current gold or silver coin” includes any gold or silver coin coined in any mint belonging to the Government or the Bank of Guyana or for or on behalf of the Government or the Bank of Guyana, or lawfully current by virtue of any law in force in Guyana or in any other part of the Commonwealth, or lawfully current in any foreign country;

“copper coin” includes any coin of any metal or mixed metal (not being a gold or silver coin) coined in any mint belonging to the Government or the Bank of Guyana or for or on behalf of the Government or the Bank of Guyana, or lawfully current by virtue of any law in force in Guyana or in any other part of the Commonwealth, or lawfully current in any foreign country;

“false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold or silver coin” includes any of the current coin which has been gilt, silvered, washed, coloured, or cased over, or in any manner altered, so as to resemble, or be apparently intended to resemble or pass for, any current coin of a higher denomination;

“current coin” includes any coin coined in any mint belonging to the Government or the Bank of Guyana or for or on behalf of the Government or the Bank of Guyana, or lawfully current by virtue

LAWS OF GUYANA

of any law in force in Guyana or in any other part of the Commonwealth, or lawfully current in any foreign country.

(2) The provisions in this Title other than section 118 shall apply in relation to foreign coin as they apply in relation to the coin of Guyana.

115. Everyone who defaces any current gold, silver, or copper coin by stamping thereon any name, word, number, or other mark, whether the coin is or is not thereby diminished or lightened, shall be liable to imprisonment for twelve months.

Defacing coin
by marks

116. Everyone who tenders, utters, or puts off any current gold, silver, or copper coin which has been defaced by stamping thereon any name, word, number, or other mark, whether the coin has or has not been thereby diminished or lightened, shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars:

Uttering
defaced coin
[1 of 1989
8 of 1997
10 of 1998]

Provided that no proceeding shall be taken against any person under this section without the consent in writing of the Director of Public Prosecutions.

117. (1) Where any coin is tendered as current gold or silver coin to any person who suspects the coin to be diminished otherwise than by reasonable wearing or to be counterfeit, that person may cut, break, bend, or deface the coin.

Mode of
dealing with
suspected gold
or silver coin
when tendered
in payment.
[15 of 1937]

(2) If any coin so cut, broken, bent, or defaced, appears to be diminished otherwise than by reasonable wearing or to be counterfeit, the person tendering the coin shall bear the loss thereof; but if the coin is of due weight and appears to be lawful coin, the person so cutting, breaking, bending, or defacing it is hereby required to receive it at the rate for which it was coined.

(3) Any dispute which may arise under this section shall be heard and finally determined in a summary manner by a magistrate, who is hereby empowered to examine upon oath as well the parties as any other person in order to enable him to arrive at the decision of the dispute.

LAWS OF GUYANA

62

Cap. 8:02

Summary Jurisdiction (Offences)

(4) The Accountant General and every district commissioner are hereby respectively required to cut, break, or deface, or cause to be cut, broken, or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin tendered to them respectively in payment of any part of the revenues of Guyana.

Mode of
dealing with
gold coin
below weight.
[0.15/1970]
c.85:02

118. (1) When any coin of Guyana is below the current weight or is withdrawn, as provided by the Bank of Guyana Act, everyone shall, by himself or others, cut, break, or deface any such coin tendered to him in payment, and the person tendering it shall bear the loss.

(2) If any coin cut, broken, or defaced in pursuance of this section is not below the current weight, or has not been called in by any proclamation, the person cutting, breaking, or defacing it shall receive it in payment according to its denomination.

(3) Any dispute which may arise under this section shall be heard and finally determined in a summary manner by a magistrate, who is hereby empowered to examine upon oath as well the parties as any other person in order to the decision of the dispute.

Mode of
dealing with
counterfeit
coin when
discovered.
[15 of 1937]

119. (1) Anyone who finds or discovers in any place whatsoever or in the custody or possession of any person having it without lawful authority or excuse, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any current gold, silver, or copper coin, or any instrument, tool, or engine whatsoever, adapted and intended for making or counterfeiting that coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which has been produced or obtained by diminishing or lightening any current gold or silver coin, may seize, and he is hereby required to seize, the same, and to carry it forthwith before some magistrate.

c 8:01

(2) Where it is proved, on the oath of a credible person, before a magistrate, that there is reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver, or copper coin, or other coin mentioned in this Title or in Title 18 of the Criminal Law (Offences) Act, or has in his custody or possession any false or counterfeit coin or any instrument, tool, or engine, of whatever

description, adapted and intended for the making or counterfeiting thereof, or any other machine used or intended to be used for making or counterfeiting that coin, or any filings, clippings, or bullion, or any gold or silver in dust, solution, or otherwise aforesaid, any magistrate, by warrant under his hand, may cause any place whatsoever belonging to, or in the occupation or under the control of, the suspected person to be searched, either in the day or in the night; and may, if any such false or counterfeit coin, or instrument, tool, or engine, or machine, or filings, clippings, or bullion, or gold or silver in dust, solution, or otherwise, as aforesaid is or are found in any place so searched, cause the same to be seized and taken forthwith before some magistrate.

(3) Where any false or counterfeit coin, or instrument, tool, or engine, or machine, or filings, clippings, or bullion, or gold or silver in dust, solution, or otherwise, aforesaid, is or are, in any case whatsoever, seized and taken before a magistrate, he shall, if necessary, cause the matter to be secured for the purpose of being produced in evidence against any person prosecuted for any offence relating to coin.

(4) All the false and counterfeit coin, and instruments, tools, and engines, and machines, and filings, clippings, and bullion, and gold and silver in dust, solution, or otherwise, aforesaid, after they have been produced in evidence or when they have been seized and are not required to be produced in evidence, shall forthwith be delivered up to the Accountant General or to any person authorised by him to receive them.

(5) Where anything mentioned in this section is seized and taken before a magistrate, every person in whose custody or possession the thing is found shall at the same time be apprehended and taken before the magistrate, to be dealt with according to law.

120. Where it is necessary on the hearing of any complaint made under this Title, to prove any coin produced in evidence to be false or counterfeit, it shall be sufficient to prove the coin to be false or counterfeit by the evidence of any credible witness.

Proof of
falsity of coin

LAWS OF GUYANA

64

Cap. 8:02

Summary Jurisdiction (Offences)

When offence of tendering uttering and putting off complete

121. Every offence of tendering, uttering, or putting off, or of offering to utter or put off, any false or counterfeit coin, against the provisions of this Title, shall be deemed to be complete, although the coin so tendered, uttered, or put off, or offered to be uttered or put off, is not in a fit state to be uttered, or the counterfeiting thereof is not finished or perfected.

Criminal possession under Title 9

122. Where the having any matter in the custody or possession of any person is mentioned in this Title, it shall include, not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether the matter is so had for his own use or benefit or for that of anyone else.

PART IV

OFFENCES AGAINST PUBLIC ORDER

TITLE 10

Riotous Disturbances

Proclamation of disturbed district

123. (1) If any riotous disturbance or other serious breach of the public peace occurs, or appears to be likely to occur, in any part of Guyana, the President may, by proclamation, declare that the provisions of this Title shall be in force in that part of Guyana (hereinafter referred to as “a proclaimed district”) as from the date of the proclamation.

(2) The limits of the proclaimed district shall be specified in the proclamation.

(3) The proclamation may relate to two or more parts of Guyana.

Proclamation to be laid before National Assembly.

124. A copy of any proclamation made under this Title shall be laid before the National Assembly at the Assembly’s next sitting after it is made.

LAWS OF GUYANA

- 125.** A proclamation made under this Title may at any time be revoked by the President. Revocation of proclamation.
- 126.** Everyone who, in a proclaimed district, destroys, tears, or in any manner defaces any proclamation, placard, or notice issued and posted up in a proclaimed district by any duly constituted authority shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars or to imprisonment for six months. Destroying or defacing proclamation
[1 of 1989
8 of 1997
10 of 1998]
- 127.** If any persons, to the number of five or more, assemble together in a disorderly manner in any public way or public place in a proclaimed district, or in any place adjacent to that way or place, each of those persons who refuses to disperse, when required to do so by any peace officer, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for ten months. Assembling in disorderly manner and refusing to disperse
[1 of 1989
8 of 1997
10 of 1998]
- 128.** Everyone who, in a proclaimed district— Offences in proclaimed district
[1 of 1989
8 of 1997
10 of 1998]
- (a) breaks and enters, or attempts to break and enter, any shop, store, dwelling-house, outhouse, factory, or other building or erection, of whatever description; or
 - (b) in company with four or more other persons, unlawfully and maliciously destroys or damages anything in any shop or other building aforesaid; or
 - (c) throws any stone or other thing at any shop or other building aforesaid; or
 - (d) in company with four or more other persons, in any public way or public place, assaults any other person; or
 - (e) not being a person duly authorised in that behalf, in any public way or public place, carries any deadly or dangerous weapon or instrument whatsoever, or any bludgeon, or stick exceeding half an inch in diameter; or
 - (f) in any public way or public place, or in any place adjacent thereto, makes use of any abusive, insulting, or provoking language, or any language tending to a breach of the peace; or
 - (g) incites any other person to commit any offence hereinbefore in this Title mentioned,

LAWS OF GUYANA

66

Cap. 8:02

Summary Jurisdiction (Offences)

shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months.

Proclamation
that retail
spirit shops be
closed
[1 of 1989
8 of 1997
10 of 1998]

129.(1) The President may by proclamation order the retail spirit shops, or any of them, in a proclaimed district to be closed and to be kept closed during any period to him seeming fit.

(2) If any retail spirit shop is not closed and kept closed in accordance with the proclamation, the owner or occupier thereof shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars for every day during which the shop is not closed as aforesaid.

Apprehension
of offender
against Title
10.
[1 of 1989
9 of 1997
10 of 1998]
Penalty for
refusal to aid
apprehension.

130.(1) Any peace officer may arrest anyone whom he finds committing, or has reasonable grounds to believe has committed, any offence mentioned in this Title; and may call upon all persons present to assist him in arresting the offender.

(2) Everyone who, being so called upon by a peace officer for assistance, refuses to render assistance to the best of his power, shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

TITLE 11

Disorderly Conduct

Drunkenness
[1 of 1989
8 of 1997
10 of 1998]

131. Everyone found drunk in any public way or public place, or on the premises of any person, to the annoyance or disturbance of that person or of any inmate of his premises shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

LAWS OF GUYANA

132. Everyone who, having been thrice convicted under the provisions of any law for having been found drunk, is, within one year from the first conviction, found drunk in any public way or public place, or on any premises aforesaid shall be deemed a habitual drunkard, and shall be liable to imprisonment for six months.

Habitual
drunkenness
[10 of 1998]

133. Every owner or occupier, and every person in the employment of an owner or occupier, of any house, shop, room, or other place of public resort wherein provisions, liquors, or refreshments of any kind are sold and consumed (whether they are kept or retailed therein or are procured elsewhere), who knowingly permits drunkenness, gambling, or any other disorderly conduct therein, or knowingly permits known prostitutes, or convicted felons, vagrants, rogues and vagabonds, or incorrigible rogues to meet together or remain therein, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

Permitting
disorderly
conduct, in
place of public
resort
[1 of 1989
8 of 1997
10 of 1998]

134. (1) Everyone who is drunk, riotous, quarrelsome or disorderly in any house, shop, room, or other place licensed for the sale of intoxicating liquors by retail, or kept for public refreshment, resort, and entertainment, and refuses or neglects to quit the house, shop, room, or place, upon being requested to do so by the owner, manager, or occupier thereof, or by his agent or servant, or by any police or rural constable, shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

Expulsion from
premises of
drunken
person, etc.
[1 of 1989
8 of 1997
10 of 1998]

(2) Every police or rural constable is hereby authorised and required on the demand of the owner, manager, occupier, agent or servant, to assist in expelling the drunken, riotous, quarrelsome or disorderly person from the house, shop, room, or place.

135. Everyone who—

(a) is guilty of any riotous, indecent, disorderly, or insulting behaviour in any church, chapel, temple, mosque or synagogue, or other building appropriated for religious worship, whether during divine service or at any other time; or

(b) disturbs or molests any person in any church, chapel, temple, mosque or synagogue, or other building

Riotous
behaviour in
place of
worship.
[1 of 1989
24 of 1990
8 of 1997
10 of 1998]

LAWS OF GUYANA

68

Cap. 8:02

Summary Jurisdiction (Offences)

appropriated for religious worship, whether during divine service or at any other time; or

(c) disturbs or molests any minister of religion while lawfully celebrating any religious rite or office in any place, or any other person aiding, assisting, or attending at the celebration of that rite or office,

shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars .

Riotous
behaviour in
public
[1 of 1989
8 of 1998
10 of 1998]

136. Everyone who—

(a) in any public way or public place, or in any house, yard, garden, or other place open to public view or within public hearing; or

(b) in any court or police station, or in any lock-up near a court room; or

(c) in any theatre, concert-hall, lecture-room, or other place of public entertainment or instruction, of whatever kind,

is guilty of any riotous, indecent, disorderly, or insulting behaviour shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

Causing public
terror
[1 of 1989
8 of 1997
10 of 1998]

137. (1) Everyone who, in any public way or public place, or in any theatre, concert-hall, lecture-room, or other place of public entertainment or instruction, of whatever kind, or being unlawfully in any place not public, wantonly does any act with intent to cause terror to any person or persons shall if harm is thereby caused to anyone, or if his act was of a character likely to cause harm to any person, by terror, be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for twelve months.

(2) For the purposes of this section, harm shall in that case be deemed to have been caused by the act, although the harm is the mere inward effect of the terror caused by the act.

LAWS OF GUYANA

- 138.** Everyone who, on or in view of any public way or public place, openly carries without lawful excuse any deadly or dangerous weapon or instrument or any stick whatsoever, with intent, or in manner, to cause terror or alarm to the public shall be liable to imprisonment for twelve months and to whipping or flogging. Unlawfully carrying arms in public way or place [10 of 1998]
- 139.** Everyone who unlawfully fights with anyone else in, or in view or in hearing of, any public way or public place shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars, or imprisonment for four months, in addition to any other punishment to which he may be liable. Public insult and provocation [1 of 1989 8 of 1997 10 of 1998]
- 140.** Everyone who, in or in view of any public way or public place, insults anyone else in his presence in a manner likely to provoke a person to commit a breach of the peace shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars. Public fight [1 of 1989 8 of 1997 10 of 1998]
- 141.** Everyone who— Provoking breach of peace [1 of 1989 8 of 1997 10 of 1998]
- (a) makes use of any threatening, abusive, insulting, or obscene language, gesture, or behaviour, or says or sings any insulting or offensive song or ballad, with intent to provoke anyone else to commit a breach of the peace, or whereby a breach of the peace may be occasioned; or
 - (b) makes use of any abusive, insulting, obscene, or profane language, or says or sings any insulting or offensive song or ballad, to the annoyance of any person in any place; or
 - (c) sends or delivers to any person any obscene writing, print, engraving, picture, or other representation; or
 - (d) calls any person by a name other than his own, with intent to insult or annoy him; or
 - (e) with intent to insult or annoy any person, knowingly publishes or causes to be published in any newspaper any false notice or advertisement of any birth, marriage, or death; or
 - (f) commits any breach of the peace not deserving of a more severe punishment,

LAWS OF GUYANA

70

Cap. 8:02

Summary Jurisdiction (Offences)

shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars, or to imprisonment for six months.

142. Any police or rural constable may arrest without warrant any person whom he may find committing an offence mentioned in this Title.

PART V

OFFENCES AGAINST RELIGION, MORALITY AND
PUBLIC CONVENIENCE

TITLE 12

Police Offences

Vagrants

Vagrancy
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

143. Everyone who does any of the following acts shall be declared a vagrant or idle and disorderly person, and shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars or to imprisonment for two months, that is to say, everyone who—

(a) being able, by labour or other lawful means, to maintain himself or herself, or his wife or child, or her child, where the wife or child is without other means of support, wilfully refuses or neglects to do so; or

(b) wanders abroad, or places himself in any public way or public place, or intrudes in any private premises after being lawfully ordered to depart, and uses any solicitation, means, or device to induce the bestowal of alms upon him, or causes, procures, or encourages any other person to do so; or

(c) sleeps, lodges, or loiters in or under any porch, verandah, gallery, outhouse, passage, gateway, dwelling-house, warehouse, store, shop, stable, or other building, or in or under any building wholly or in part unoccupied, or is found in or under any cart, carriage, or vessel, or in any logie or plantation building, or on or under any wharf, stelling, quay, jetty, bridge or other place, or in any cane-field or

provision ground, or on or in any dam or trench immediately adjoining thereto, without leave of the owner, occupier, or person for the time being in charge thereof, and has no visible means of subsistence or does not give a satisfactory account of himself.

Rogues and Vagabonds

144. (1) Everyone who does or suffers any of the following acts or things shall be declared a rogue and vagabond, and shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars or to imprisonment for ten months, that is to say, everyone who—

Roguary and
vagabondage
[6 of 1946
4 of 1972
1 of 1989
8 of 1997
10 of 1998

(a) is convicted a second or any subsequent time of being a vagrant or idle and disorderly person; or

(b) while being apprehended as a vagrant or idle and disorderly person, assaults or violently resists the police or rural constable or other person who is apprehending him, and is subsequently convicted of the offence for which he was being apprehended; or

(c) procures or endeavours to procure alms or charitable contributions for himself or any other person, under any false or fraudulent pretence; or

(d) is found in or under any porch, verandah, gallery, outhouse, passage, gateway, dwelling-house, warehouse, store, shop, stable, or other building, or in any yard, garden, or other enclosed place or land for any unlawful purpose, or, being found in any of those places, does not give a satisfactory account of himself; or

(e) plays or bets by way of wagering or gaming in any street, road, highway or other open or public place, or in any open place to which the public have or are permitted to have access to or with any table, dice, cards or other instrument or means of such wagering or gaming at any game or pretended game of chance; or

(f) has in his custody or possession any picklock, key, crowbar, jack, bit, or other implement, with intent unlawfully to break into any building, or is armed with or has upon him any gun, pistol, sword, knife, razor, bludgeon,

or other deadly or dangerous weapon or instrument, with intent to commit any unlawful act; and the weapon or instrument shall, on the conviction of the offender, be forfeited; or

(g) is convicted a second or any subsequent time of an offence against section 136(a) or section 141; or

(h) is convicted a second or any subsequent time of an offence against section 159; or

(i) being a suspected person or reputed thief, loiters or lurks about or frequents any river, canal, or navigable stream, or any market, warehouse, wharf, dock, or stelling, or loiters or lurks in or about or frequents any vessel, punt, boat, or other craft, with intent to commit any robbery, theft, or unlawful act, or is found in any of those places or in any vessel, boat, punt, or other craft aforesaid, and does not give a satisfactory account of himself; or

(j) is convicted a second or any subsequent time of an offence against section 161; or

(k) unlawfully sells, attempts to sell, or unlawfully acts as an agent for the sale of any lottery ticket.

(2) Notwithstanding the provisions of subsection (1), where the court, having regard to the youth of the person convicted, his character, or his previous good behaviour, or such other considerations as may seem fit, is of opinion that it would be unduly harsh to declare such person a rogue and vagabond then the court may in its discretion refrain from declaring such person a rogue and vagabond.

Obeah and Witchcraft

Interpretation of "obeah"

145. (1) For the purposes of this section "obeah" signifies every pretended assumption of supernatural power or knowledge whatever, for fraudulent or illicit purposes or for gain, or for the injury of any person.

Practising obeah to intimidate, defraud or injure
[8 of 1997

(2) Everyone who—

(a) by the practice or pretended practice of obeah, or by any occult means or assumption of supernatural power or

knowledge, or by any pretended love philtre or medicine,—

(i) intimidates, or attempts to intimidate or influence, anyone; or

(ii) obtains or endeavours to obtain any chattel, money, or valuable security, from another; or

(iii) pretends to discover any lost or stolen goods, or the person who stole them, or to inflict any disease, loss, damage, or personal injury, to or upon another, or to restore another to health, or to cause or divert affection; and

(b) procures, counsels, induces, or persuades, or endeavours to persuade, another to commit any of those offences, whether with or without payment,

Aiding and abetting

shall on conviction before any magistrate, be deemed a rogue and vagabond, and be imprisoned, with or without hard labour, for any term not exceeding twelve months, and if a male, may be sentenced to a flogging during the continuance of the imprisonment, and if a female, may during the imprisonment be kept in solitary confinement not exceeding six days at any one time and not exceeding two month in the whole, as directed by the magistrate, and shall in addition be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

(3) If it is shown, upon the oath of a credible witness, that there is reasonable cause to suspect that any person is in possession of any human skull, or part thereof, or other portion of the human body, or any other article or thing, for the purpose of being used in the practice of obeah or witchcraft, any magistrate may, by warrant, under his hand, cause any place whatsoever belonging to, or under the control of, that person to be searched, either by day or night and, if any of those articles are found in any place so searched, may cause them to be seized and brought before him or some other magistrate who shall cause them to be secured for the purpose of production in evidence in any case in which they are required.

Search for articles used in obeah and witchcraft.

LAWS OF GUYANA

74

Cap. 8:02

Summary Jurisdiction (Offences)

Possession for
purpose of
obeah

[1 of 1989
8 of 1997

10 of 1998]

Fortune-telling

[1 of 1989
8 of 1997

10 of 1998]

(4) Anyone in possession of any article or thing aforesaid, for the purpose of using it or causing or allowing it to be used in the practice of obeah or witchcraft, shall be liable to a fine of not less than fifteen thousand dollars nor more than twenty thousand dollars or to imprisonment not exceeding eighteen months.

(5) Anyone who uses any subtle craft, means, or device, by palmistry, cards, or otherwise, to deceive and impose upon another, and anyone who for personal gain pretends or professes to tell fortunes, shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars and to imprisonment for ten months.

Seizure and
disposal of
articles used
for witchcraft.

(6) Any police or rural constable may seize all articles and things used, or intended to be used, or which he may suspect are intended to be used, in the pretence of practising obeah or witchcraft, sorcery, enchantment, or conjuration, and take them before a magistrate, and the magistrate may order the articles or things to be destroyed or otherwise dealt with as he thinks fit.

c 47:01

(7) (a) The Postmaster General, or anyone authorised by him, shall detain and search any postal packet (as defined by the Post and Telegraph Act) which he suspects to contain any charms, or other articles of any description whatsoever to be used in witchcraft, or any letters, or printed or written matter, giving instructions in witchcraft or sorcery, or any sorcerous matter of whatever description.

(b) If on the search anything is found which is deemed to be for use or instruction in witchcraft or sorcery, or of a sorcerous nature, it shall be dealt with in the manner directed by the Minister.

Proof of
unlawful intent.

146. In proving a purpose or intent under any of the provisions of the two last preceding sections, it shall not be necessary to show that the person charged was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case and from his known character as proved to the court, it appears to the court that his purpose was unlawful, or that his intent was to commit a robbery, theft, or unlawful act.

Incorrigible Rogues

147. Everyone who—

(a) commits an offence against this Title which subjects him to be dealt with as a rogue and vagabond, he having been previously convicted thereof; or

(b) while being apprehended as a rogue and vagabond, assaults or violently resists the police or rural constable or other person apprehending him, and is subsequently convicted of the offence for which he was being apprehended,

Incorrigible
rogue
[10 of 1998]

shall be deemed to be an incorrigible rogue, and shall be liable to imprisonment for twelve months and to whipping or flogging.

148. Everyone convicted of being an incorrigible rogue may, in addition to any punishment imposed under the last preceding section, be required by the court to enter into a recognisance, either with or without a surety or sureties, as to the court seems fit, to be of good behaviour for any period not exceeding twelve months, and, in default of entering into the recognisance, he shall be liable to imprisonment for three months, in addition to any term of imprisonment last aforesaid.

Requiring
incorrigible
rogue to find
sureties.
[10 of 1998]

149. (1) Any police or rural constable may arrest without warrant any person whom he finds committing an offence against any of the preceding sections of this Title.

Apprehension
of offender
against this
Title.

(2) On information being laid upon oath before any justice of the peace that any person reasonably suspected to be a vagrant or idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or is reasonably suspected to be harboured or concealed in any house, building, or place, the justice may authorise, by warrant under his hand, any police or rural constable to enter at any time, by force if necessary, the house, building, or place, and to apprehend and bring the person before a magistrate to be dealt with according to law.

150. (1) Everyone who—

(a) occupies, or keeps, or manages for another, or holds a

Harbouring
thieves in l

LAWS OF GUYANA

76

Cap. 8:02

Summary Jurisdiction (Offences)

lodging-house,
or place of sale
of liquors.
[1 of 1989
8 of 1997
10 of 1998]

licence for, any lodging-house, tavern, retail spirit shop, or place where intoxicating liquors are sold, or any place of public entertainment or public resort, and knowingly lodges or harbours thieves or reputed thieves, or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein, having reasonable cause for believing the goods to be stolen; or

(b) occupies or keeps any brothel, and knowingly lodges or harbours thieves or reputed thieves, or knowingly suffers them to meet or assemble therein, or knowingly allows the deposit of goods therein, having reasonable cause for believing them to be stolen,

shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

(2) The court may, if it thinks fit, either in addition to or in lieu of that penalty, require the person to enter into a recognisance, either with or without a surety or sureties, as to the court seems fit, to keep the peace and be of good behaviour for any period not exceeding twelve months.

Limitation of
imprisonment
for not finding
sureties
[10 of 1998]

(3) No person shall be imprisoned for not finding a surety or sureties in pursuance of the preceding subsection for any longer period than three months, nor shall the security required from a surety exceed fifteen thousand dollars.

Entering
premises for
discovery of
thieves
[1 of 1989
8 of 1997
10 of 1998]

151. (1) Any police constable may, for the purpose of detecting or preventing the contravention of any of the provisions of subsection (1) (b) of the last preceding section, at all times enter on any premises referred to therein; and everyone who, by himself, or by any person in his employ, or acting by his direction, or with his consent, refuses or neglects to admit any police constable in the execution of his duty demanding to enter on those premises in pursuance of this section shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars, and, on a second or any subsequent conviction for that offence, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

(2) Where any person who holds a retail spirit licence or is employed by the holder of a retail spirit licence, is convicted under this section or subsection (1) of the last preceding section, the magistrate shall transmit a copy of the evidence taken in the case to the excise board, who may take the evidence into consideration when deciding as to the renewal of that licence.

Search for Stolen Property

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

Entry by police on premises and search for and seizure of stolen property.

(2) Whenever any property is seized in pursuance of this section, the person on whose premises it was at the time of the seizure, or the person from whom it was taken, if other than the person on whose premises it was, shall, unless previously charged with receiving it knowing it to have been stolen, be apprehended and brought, or be summoned, before the court to account for his possession of the property, and the court shall make such order respecting the disposal of the property, and may award such costs, as the justice of the case may require.

(3) Any officer of police aforesaid may give the authority aforesaid in the following cases, or either of them:—

(a) where the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves; or

(b) where the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty, and punishable by imprisonment.

(4) It shall not be necessary for the officer of police, on giving the authority, to specify any particular property, but he may give the authority if he has reason to believe generally that the premises are being made a receptacle for stolen goods.

Minor Offences, chiefly in Towns

Various minor offences principally in relation to towns: inhabitant of town during the night; [6 of 1937 6 of 1946 1 of 1989 8 of 1997 10 of 1998]

153. (1) Every person who does any of the following acts shall, in each case, be liable to a fine of not less than seven thousand nor more than dollars—

(i) during the night wilfully and without lawful excuse, disturbs any inhabitant by pulling or ringing any door-bell or by knocking at any door, or rolls any hogshead, puncheon, cask, barrel, tub, hoop, or other thing, or drags, pulls, pushes, or otherwise moves any heavy substance or thing, by which any noise is wantonly made, to the annoyance or disturbance of any inhabitant of a town or of any passenger or neighbour; or

discharging cannon within 300 yards of dwelling-house;

(ii) except when acting in obedience to lawful authority, discharges any cannon, or other fire-arm of greater calibre than a common fowling-piece, within three hundred yards of any dwelling-house, to the annoyance or disturbance of any inhabitant thereof, after having been warned of the annoyance or disturbance by any inhabitant of the dwelling-house; or

discharging fire-arm within 100 yards of public way;

(iii) discharges any gun, pistol, or other fire-arm on any public way or public place, or within one hundred yards thereof, except on some lawful and necessary occasion: (but the *bona fide* discharge of the fire-arm for the purpose of killing carrion crows shall be deemed a discharge on a lawful and necessary occasion); or

LAWS OF GUYANA

- (iv) in any town, offers or exposes for show, hire, or sale any cattle, except in a market or market-place or other convenient place lawfully appointed for that purpose; or in any public way or public place, to the annoyance of any person, feeds, foddors, farries, shoes, or bleeds any cattle except in case of accident; or exposing for sale cattle in improper place in town;
- (v) grooms, washes, trains, or breaks any horse, mule or ass, or other animal, or cleans or washes any vehicle, on any public way or public place in any town; or grooming animal on public way in town; placing goods on public way in town;
- (vi) places or leaves any goods, wares, or merchandise, or any hogshead, cask, puncheon, barrel, basket, tub, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or show-board, on any public way in any town, or places any blind, shade, covering, awning, or other projection over or along that way, unless the blind, shade, covering, awning, or other projection is six feet six inches in height at least in every part thereof from the ground; or
- (vii) places, hangs up, or otherwise exposes in any town any goods, wares, or merchandise, or other thing whatsoever so that they or it project or projects into or over any public way or beyond the line of any house, shop, or building, at which they or it are or is so exposed, so as to obstruct or incommode the passage of any person over or along any public way; or placing goods over public way in town
- (viii) rolls or carries any hogshead, puncheon, cask, barrel, tub, hoop, or wheel, or any ladder, plank, pole, timber, board or placard, on any footway in any town, except in loading or unloading any cart, carriage, or other vehicle, or in crossing the footway; or rolling or carrying articles on footway in town;
- (ix) places any line, cord, or pole across any public way, or hangs or places any clothes or fish seine on any line, cord, or pole projecting over any part of any public way or public place; or lays or places any clothes on any public way or public place or public parapet; or obstruction public way;
- (x) in any public way or public place, or in any public canal, throws or lays any coals, stones, slates, shells, lime, bricks, timber, iron, firewood, or other materials, except building throwing materials on public way;

LAWS OF GUYANA

	materials or rubbish occasioned by building, which shall be placed or enclosed so as to prevent any mischief happening to any inhabitant or passenger, and except materials for the repair of public roads and for other public purposes, when placed there by the proper authority; or
beating mat in public way in town;	(xi) in any public way or public place in any town, beats or shakes any mat between seven o'clock in the morning and six o'clock in the afternoon; or
furious riding and driving;	(xii) while riding any horse or other animal or driving any cart, carriage, or other vehicle, including any bicycle or other like vehicle, in any public way or public place, rides or drives it furiously, so as to endanger the safety of any passenger, or to the common danger of passengers; or
rapid riding or driving at corners;	(xiii) passes or turns the horse or other animal, or the cart, carriage, or other vehicle, round the angle of any public way, or crosses any public way, at a rapid or dangerous pace; or
driving cattle in dangerous manner in public way;	(xiv) being in charge of any cattle, drives or suffers them to be driven on and along any public way in such numbers or in such manner as to endanger the safety of any passenger, or otherwise misbehaves himself in the care, driving or management of the cattle; or
driving cattle without proper assistance; carrying thing in two-wheeled vehicle	(xv) drives or leads any cattle in any public way, without proper and sufficient assistance; or (xvi) carries in any vehicle having only two wheels, or, being the owner of the vehicle, suffers to be carried therein, on any public way any article or thing which projects beyond the head of the animal drawing the vehicle, or, if there are more animals than one, beyond the head of the animal nearest to the vehicle, or which projects more than four feet beyond the hinder part of the vehicle; or
carrying thing in vehicle generally;	(xvii) carries in any vehicle, or, being the owner of any vehicle, suffers to be carried therein, on any public way any article or thing which projects more than thirty inches beyond the plane of the wheels of the vehicle; or
hauling timber etc. on public way;	(xviii) hauls or draws on any public way any timber, stone, or other thing otherwise than upon a vehicle with wheels, or suffers any timber, stone, or other thing which is being carried principally or in part upon a vehicle with wheels, to drag or trail upon any public way; or

LAWS OF GUYANA

(xix) having the care of any cart, carriage, or other vehicle, rides on any part of it, or on the shafts, or on any animal drawing it, without having or holding the reins, or is at such distance from it as not to have the complete control over every animal drawing it; or	careless driving of cart or carriage.
(xx) by obstructing any public way, wilfully prevents any person, cart, carriage, or other vehicle, or any horse or other animal, from passing him or any cart, carriage, or other vehicle, or horse or other animal, under his care; or	obstruction of public way;
(xxi) leads or rides any horse or other animal, or draws or drives any cart, carriage, or other vehicle, along any footpath or kerb-stone, or fastens any horse or other animal so that it can or does stand across or upon any footway; or	riding footways;
(xxii) roller-skates in the City of Georgetown or the town of New Amsterdam, on any public way or on any footpath adjoining such public way, or on any road as defined by section 2 of the Roads Act; or	roller-skating on road; c.51:01
(xxiii) causes any cart, carriage, or other vehicle, whether with or without any animal attached to it, to stand longer in any public way than is necessary for loading or unloading, or getting into or alighting from it, or, by means of any cart, carriage, or other vehicle, or any horse or other animal, wilfully obstructs or causes any obstruction in any public way; or	causing obstruction in public way with vehicle;
(xxiv) being the driver or having the charge of any public vehicle, allows the vehicle to remain or stand, for the purpose of hire, at any place in any town other than a place from time to time lawfully appointed for that purpose; or	allowing public vehicle to stand in improper place in town;
(xxv) being the driver or having the charge of any cart, carriage, or other vehicle, leaves it unattended in any public vehicle way or public place; or	leaving vehicle unattended in public way;
(xxvi) in any public way or public place, wilfully or wantonly shouts or vociferates, or blows any horn or shell, or beats any drum or other instrument, to the annoyance, disturbance or danger of any inhabitant or passenger, or sounds or plays upon any musical instrument, or sings, quarrels, or makes any other loud or unseemly noise, near to any house after having been required to depart; or	shouting or blowing horn etc. in public way

LAWS OF GUYANA

82

Cap. 8:02

Summary Jurisdiction (Offences)

throwing stones; (xxvii) on or near to any public way or public place, throws or discharges any stone or other missile, to the annoyance, damage, or danger of any person; or

stoning railway vehicle; (xxviii) throws or discharges any stone or other missile at any engine, carriage, or other vehicle on any railway; or

flying kite in public way; (xxix) in any public way flies any kite or plays at any game; or

flying kite in Georgetown; (xxx) flies any kite within the City of Georgetown or at any place situate east of the Demerara River and within one mile of the boundaries of the said City:

Provided that this paragraph shall not apply to the portion of the beach between imaginary straight lines running due north from the bandstand on the Sea Wall and Vlissengen Road respectively; or

flying kite in New Amsterdam; (xxxi) flies any kite within the town of New Amsterdam or at any place situate east of the Berbice River and within one mile of the boundaries of the said town:

Provided that this paragraph shall not apply to the right bank of the Berbice River north of the bandstand on the Esplanade; or

setting on ferocious dog; (xxxii) suffers to be at large unmuzzled any ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or cattle; or

suffering rabid dog to be at large; (xxxiii) being the owner or having the charge of any dog, knowingly suffers it to be at large in a rabid state; or

suffering dog to be at large after notice; (xxxiv) after public notice, given by any magistrate or other person having authority in that behalf, directing dogs or other animals to be confined on account of suspicion of madness, suffers any dog or other animal specified in the notice belonging to him or under his charge to be at large in contravention of the notice; or

making fire in town elsewhere than in kitchen (xxxv) in any part of any town, or any place immediately adjacent thereto, makes any fire in the yard or other part of any house or premises except the kitchen, whereby the town,

LAWS OF GUYANA

or any house or other building, shed, or outhouse therein, or in the immediate vicinity thereof or adjacent thereto, may be endangered; or

(xxxvi) without the permission in writing in that behalf of any officer of police, in any public way or public place in any town lights any fire, or carries any lighted torch, candle, or other lighted thing, or any fire, through the town, unless secured in a lantern or some other safe thing in which it may be conveyed; or

lighting or carrying fire in town;

(xxxvii) in any public way or public place in any town, makes any bonfire, or places or throws any explosive substance, whether it explodes or not, or sets fire to any firework or throws any lighted firework; or

making bonfire or exploding fire- works in town;

(xxxviii) smokes on a wharf or stelling, or on any way leading thereto, where there is posted up on the wharf or stelling, or on the way, as the case may be, a notice in large legible letters forbidding in general terms all persons to smoke and warning them that they will be prosecuted for so doing; or

smoking on wharf;

(xxxix) wantonly extinguishes the light of any street lamp or burner; or

extinguishing street lamp;

(xl) in any public way or public place, cleanses, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime; or

cleaning cask, etc. in public way;

(xli) throws or lays any dirt, litter, ashes, or night soil, or any carrion, fish, offal, rubbish, or other matter or thing, or commits any nuisance, on any public way or public place; or causes or permits any offensive matter to run from any slaughter-house, butcher's shop, stall, kitchen, or dunghill into any public way or public place; or, in any town, deposits in any place whatever any offensive matter or thing, to the injury or annoyance of any inhabitant or passenger in the town; or

throwing litter in public way;

(xlii) throws, or, being the owner or occupier of any house or other building in any town, permits to be thrown, from any part of the house or other building any slate, brick, rubbish,

throwing objects from house in town;

LAWS OF GUYANA

	water, or other thing; or
fixing thing in window in town;	(xliii) in any town, fixes or places any flower-pot, or box, or other heavy article or thing in any window or other place so that it overhangs any public way or public place, without sufficiently securing it from falling; or
leaving open pit unfenced;	(xliv) in any town, does not sufficiently fence any pit or drain left open, or leaves an open pit or drain during the night without a sufficient light to warn and prevent persons from falling thereinto; or
assembling in public way, for disorderly purpose, and not dispersing when required;	(xlv) assembles with other persons in any public way or public place, or in any open space of ground in the immediate neighbourhood thereof, for any idle, lewd, vicious, or disorderly purpose, or otherwise than in the regular performance or in pursuance of some lawful calling or object, to the annoyance or obstruction of any inhabitant or passenger, and does not disperse or move away when thereunto required by any peace officer; or
loitering about shop;	(xlvi) loiters, carouses, or the like, in or about any shop, and does not quietly leave or move away when thereunto required by any police or rural constable or by the owner of the shop or his agent or servant; or
wearing of female attire by man; wearing of male attire by woman;	(xlvii) being a man, in any public way or public place, for any improper purpose, appears in female attire; or being a woman, in any public way or public place, for any improper purpose, appears in male attire; or
behaving irreverently near place of worship;	(xlviii) behaves irreverently or indecently near to any church, chapel, or other building appropriated for religious worship during divine service, or behaves irreverently or indecently in or near to any public burial-ground during the burial of a body; or
bill posting without consent of owner;	(xlix) without the consent of the owner or occupier thereof, affixes any posting-bill or other paper or thing against or upon any building, wall, fence, pillar, post, or pale, or writes upon, soils, defaces, or marks the building, wall, fence, pillar, post, or pale, with chalk or paint, or in any other way, or with any other material.

LAWS OF GUYANA

(2) Every bicycle, tricycle and other similar machine shall be deemed to be a vehicle within the meaning of subsection (1) (xiii), (xx), (xxi), (xxiii) and (xxv).

Driving Cart, etc.

154. (1) If the driver or other person in charge of any cart, carriage, or other vehicle, or of any animal, whose name is unknown, contravenes any of the provisions of this Title or of Title 14, relating to carts, carriages, or vehicles, or to animals, and that person is not apprehended and taken into custody, the magistrate of the district may summon the owner of the cart, carriage, vehicle, or animal, to come before him and disclose the name of the person who was driving or in charge of it at the time when the offence was committed, to the intent that the person may be proceeded against according to law; and if the owner of the cart, carriage, vehicle, or animal refuses or neglects to attend after having been duly summoned, or if he attends but refuses to disclose the name of the person who was driving or in charge of the cart, carriage, vehicle or animal, he shall be subject and liable to the like penalty as he, if known, would have been subject and liable to under this Title or Title 14, and he shall be convicted in like manner as if he himself had been actually driving or in charge of the cart, carriage, vehicle, or animal, at the time when the offence was committed:

When driver's name is unknown.

Provided that if the cart, carriage, vehicle, or animal belongs to, or is in the employ of, any plantation or estate, the manager or person in charge of the plantation or estate, and not the owner of the cart, carriage, vehicle, or animal, shall be summoned and dealt with in the manner hereinbefore provided.

(2) Every bicycle, tricycle and other similar machine shall be deemed to be a vehicle within the meaning of this section.

155. (1) Where any person having charge of any cart, carriage, or other vehicle, or of any animal, is apprehended for any offence against the provisions of this Title or of Title 14, other than sections 176 to 188 (inclusive) the person apprehending the offender may take charge of the cart, carriage, vehicle, or animal, and may deposit it in some place of safe custody, as a security for the payment of any fine to which the owner, or the person having charge, thereof has become liable, and for

When person in charge of vehicle or animal is apprehended [6 of 1937]

*Ordinary 1 of 1931 repealed sec.155 in so far as it related to sec 175to 187 (inclusive)

payment of any expenses which have been or are necessarily incurred in taking charge of and keeping it, and, if it is desirable to do so, in order that it may be produced at the hearing of the cause; and the magistrate may order the cart, carriage, vehicle, or animal to be sold for the purpose of satisfying the fine and all reasonable expenses:

Provided that, on sufficient security being furnished for the payment of the sums aforesaid, a magistrate or police officer may direct the cart, carriage, vehicle, or animal to be delivered up to the owner.

(2) Every bicycle, tricycle or other similar machine shall be deemed to be a vehicle within the meaning of this section.

Release and
rescue of
impounded
stray
[6 of 1946
4 of 1972
1 of 1989
8 of 1997
10 of 1998]

156. Every person who—

(a) releases, or attempts to release, any animal seized as a stray under the authority of any Act for the time being in force relating to the impounding of stray animals, while such animal is being taken on the way to a pound for the purpose of being impounded; or

(b) rescues or releases, or attempts to rescue or release, any animal impounded as a stray under any such Act, before it is discharged in due course of law,

shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

TITLE 13

Nuisances

Indecency and Obscenity

Circulation of
traffic in
obscene
objects
[1 of 1989
8 of 1997
10 of 1998]

157. Everyone who—

(a) for the purposes or by way of trade, or for distribution or public exhibition, makes, or produces, or has in his possession, or imports, conveys, or exports, or causes to be

imported, conveyed, or exported, or in any manner whatsoever puts into circulation, any obscene writing, drawing, print, painting, printed matter, picture, poster, emblem, photograph, cinematograph film, or any other obscene object; or

(b) carries on or takes part in a business, whether public or private, concerned with any of those obscene matters or things, or deals in any of them in any manner whatsoever, or distributes them, or exhibits them publicly, or makes a business of lending them; or

(c) advertises or makes known by any means whatsoever in view of assisting in that circulation or traffic, that any person is engaged in any of the above acts, or advertises or makes known how or from whom any of the obscene matters or things aforesaid may be procured either directly or indirectly,

shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars or to imprisonment for twelve months.

158. (1) On proof upon oath before a magistrate that there is reasonable cause to suspect that any of the obscene matters or things in the preceding section mentioned are kept in any house, shop, room, or other place, within the limits of his jurisdiction for any of the purposes in that section mentioned, the magistrate may authorise, by warrant under his hand, any police constable to enter in the daytime, by force, if necessary, that house, shop, room, or other place, and to search for, seize, and bring before him any of the obscene matters or things aforesaid found in the house, shop, room, or other place.

Power to search for, seize and destroy obscene objects

(2) Upon any matters or things seized under a warrant being brought before him, the magistrate shall, if satisfied that they or any of them are or is obscene, issue a summons requiring the occupier of the house, shop, room, or other place, to appear before him to show cause why those matters or things should not be destroyed.

LAWS OF GUYANA

(3) If the occupier, or some other person claiming to be the owner of the matters or things does not appear before the magistrate, or, though appearing, fails to satisfy the magistrate that the matters or things, were not being kept for any of the purposes aforesaid, the magistrate shall order the matters or things to be destroyed forthwith:

Provided that the magistrate may stay the execution of the order in respect of any of the matters and things aforesaid he may consider should be preserved for use in further proceedings, or, on application being made in that behalf by any interested party, he may stay the execution pending an appeal.

(4) If the magistrate is satisfied that any matters or things seized under a warrant are not obscene or were not being kept for any of the purposes aforesaid, he shall direct that they be returned forthwith to the house, shop, room or other place, in which they were so seized.

Indecent advertisement.

159. Any advertisement relating to syphilis, gonorrhoea, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse, shall be deemed to be printed or written matter of an indecent and obscene nature within the meaning of section 160 if it is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever, so as to be visible to anyone in, or passing along, any public way or public place, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to anyone in, or passing along, any public way or public place.

Requirement as to decent clothing in public.
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

160. (1) No person, other than a child under the age of five years shall appear in public without being sufficiently and decently clothed; but the Magistrate may allow any relaxation in the requirements of this section he thinks proper having regard to the traditional mode of dress obtaining in any particular community to which the person charged may belong.

(2) Everyone who contravenes this section shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

LAWS OF GUYANA

(3) Nothing in this section shall extend to any labourer upon any plantation or estate working in the trenches whilst actually so employed, nor whilst going to and returning from the field, nor whilst engaged in labour in the field.

(4) Where a child is convicted of a contravention of this section, the guardian of the child shall be liable to the payment of any fine imposed by the conviction, unless he makes it appear, to the satisfaction of the court, that the child is of sufficient ability to provide the necessary wearing apparel mentioned in this section.

161. Everyone who, not being sufficiently and decently clothed, bathes in the daytime in the sea, or in any river, creek, stream, trench, canal, or other place, near or within sight from any public way or public place shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

Bathing public insufficiently clothed.
[1 of 1989
8 of 1997
10 of 1998]

162. Everyone who, in any public way or public place, or in any house, yard, garden, or other place open to public view or within public hearing—

- (a) uses any indecent or obscene gesture; or
- (b) exposes his person in an indecent manner; or
- (c) uses any indecent or obscene language; or
- (d) sings any indecent or obscene song or ballad,

Various acts of indecency
[51 of 1952
1 of 1989
8 of 1997
10 of 1998]

shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fourteen thousand dollars.

163. Everyone who, in any public way or public place, or in any house, yard, garden, or other place within public hearing—

- (a) profanely curses or swears or uses any other profane language; or
- (b) sings any profane song or ballad,

Use of profane language
[1 of 1989
8 of 1997
10 of 1998]

shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fourteen thousand dollars.

Apprehension
of offender.

164. Any police or rural constable may arrest without warrant anyone whom he may find committing any offence against any of the last six preceding sections.

Brothels and Prostitution

Keeping
brothel
[6 of 1946
1 of 1989
8 of 1997
10 of 1998]

165. (1) Any person who—

(a) keeps, or manages, or acts or assists in the management of, a brothel; or

(b) being the tenant, lessee, occupier or person in charge of any premises knowingly permits such premises or any part thereof to be used as a brothel; or

(c) being the lessor or landlord of any premises, or the agent or such lessor landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel; or

(d) being the lessor or landlord of any premises, or the agent of such lessor or landlord, is wilfully a party to the continued use of such premises or any part thereof, as a brothel,

shall be liable on summary conviction—

(i) in the case of a first conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months; and

(ii) in the case of a second or subsequent conviction to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars or to imprisonment for three years.

(2) Where it is made to appear to a magistrate by information on the oath of a member of the police force not below the rank of sergeant that there is reason to suspect that an offence against this section is being committed in respect of any premises described in the information, the magistrate may issue a warrant empowering and authorising any member of the police force to enter the said premises and any room or

other part thereof, by force if necessary, at any hour of the day or night and to search the same, and the warrant shall be sufficient authority for the making of as many entries and searches, within the period of fourteen days from the date of the warrant, as may be considered necessary.

(3) Where a person is convicted of an offence under subsection (1)(a) or (b), the Commissioner of Police shall cause a certified copy of the conviction to be served on the proprietor, the landlord and the agent (if any) of the premises to which the conviction relates.

(4) In this section—

“agent” means a person who lets premises on behalf of a landlord or collects rent in respect of the premises on behalf of the landlord or is authorised by him so to do;

“brothel” includes a common ill-governed or disorderly house.

166. Every person who—

- (a) being a male person, knowingly lives wholly or in part on the earnings of prostitution; or
- (b) being a male person, in any public place persistently solicits or importunes for immoral purposes; or
- (c) loiters about, or importunes any person in, any street or other public place for the purpose of prostitution, shall be liable, on summary conviction—

Prostitution
[6 of 1946
1 of 1989
8 of 1997
10 of 1998]

- (i) in the case of a first conviction, to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months, and
- (ii) in the case of a second or subsequent conviction, to imprisonment for three years, and if the offender is a male, he shall in addition, be liable to a whipping or flogging.

167. If it is made to appear to a court of summary jurisdiction by information on oath that there is reason to suspect that any house, or any part of a house, is used by a female for purposes of prostitution, and

Warrant to search suspected house.

LAWS OF GUYANA

92

Cap. 8:02

Summary Jurisdiction (Offences)

that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the court may issue a warrant authorising any constable to enter and search the house and to arrest that male person.

Presumption of guilt.

168. Where a male person is proved to live with, or to be habitually in the company of, a prostitute and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Dancing-houses

Dancing in town at night after midnight.
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

169. Every owner or occupier of a house, building, room, yard, or other place situate in any town, or within two hundred yards of any town, who, without permission in writing in that behalf from a magistrate or an officer of police, permits any persons to play or dance therein on or to any drum, gong, tambour, chac-chac, or other similar instrument of music, at any time in the night after midnight, shall be liable to a fine of fifteen thousand dollars.

Power of police to enter and seize.

170. Any police constable may enter, without warrant, any house, building, room, yard, or other place where persons may be playing or dancing in contravention of section 169, and may seize and take away all the drums, gongs, tambours, chac-chacs, or other similar instruments of music, and they shall be forfeited.

Keeping of Animals, etc.

Horse, mule or ass, in public way.
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

171. (1) If any horse, mule, ass or other cattle is at any time found straying or tied, lying or being at large, or depastured in any public way or public place, the owner, or person for the time being in charge, of the horse, mule, ass or other cattle shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

(2) Nothing in this section shall affect the liability of the horse, mule, ass or other cattle to be dealt with under any statute for the time being in force in relation to animals trespassing.

LAWS OF GUYANA

172. (1) Any police, rural or town constable may destroy any dog or any other animal at large which he has reasonable cause to suspect to be in a rabid state, or any dog or any other animal at large which has been bitten by any dog or other animal which he has reasonable cause to suspect to be in a rabid state, or any dog at large which he has reasonable cause to suspect to be in a mangy state:

Power to
destroy rabid
or mangy dog
at large.
[13 of 1933
8 of 1997]
10 of 1998]

Provided that a mangy dog shall not be destroyed until it has been kept at the nearest police station for forty-eight hours after its capture and a Government Medical Officer or a Medical Officer of Health or a Public Health Inspector has certified that it is expedient to destroy the dog.

(2) If the dog or other animal is confined and the owner or person for the time being in charge of it does not destroy it or cause it to be destroyed, after it has shown evident and distinct symptoms of being in a rabid state or of having been bitten by any dog or other animal in a rabid state, the owner or that person shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

173. Everyone who throws, places, or leaves unburied on or near any public way or public place, or in any public trench or canal, the carcass of any dead animal or any part thereof, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

Placing dead
animal on
public way
[1 of 1989
8 of 1997
10 of 1998]

174. Every person in the City of Georgetown or in the town of New Amsterdam who, without the permission of an officer of police, blows any horn or rings any bell or uses any noisy instrument for the purpose of calling people together or of announcing any show or entertainment, or of hawking, selling, distributing, or collecting any articles, of whatever description, or of obtaining money or alms, shall be liable to a fine of one thousand nine hundred and fifty dollars.

Blowing horn,
etc.
[6 of 1937]

175 (1) No person shall, in any road, street, public place or land or in any building or premises, by operating or causing or suffering to be operated any stereo set, juke box, radio, wireless loud speaker, gramophone, amplifier, automatic piano or similar instrument of music, or by any other means whatsoever, make or cause or suffer to

Making of
loud
continuous
noise
[1 of 1989
9 of 1997
10 of 1998]

be made any noise which shall be so loud and so continuous or repetitive as to cause a nuisance to occupants of any premises in the neighbourhood.

(2) Any person who contravenes the provisions of subsection (1) shall be liable on summary conviction to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars and to imprisonment for six months and on a second or any subsequent conviction to a fine of not less than ten thousand dollars nor more than twenty thousand dollars and to imprisonment for twelve months.

TITLE 14

Miscellaneous Offences

Cruelty to Animals

Interpretation
[1 of 1931]

176. In the following provisions relating to cruelty to animals—

“animal” means any domestic or captive animal;

“bull” includes any cow, bullock, heifer, calf, steer or ox;

“captive animal” means any animal (not being a domestic animal) of whatever kind of species and whether a quadruped or not, including any bird, fish or reptile which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;

“cat” includes kitten;

“dog” includes any bitch, sapling or puppy;

“domestic animal” means any horse, bull, sheep, pig, goat, dog, cat or fowl or any other animal of whatsoever kind or species and whether a quadruped or not which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;

“fowl” includes any cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea fowl, peacock, peahen, swan or pigeon;

“goat” includes a kid;

“horse” includes any mare, gelding, pony, foal, colt, filly, stallion, mule, jennet or donkey;

“pig” includes any boar, hog or sow;

“sheep” includes any lamb, ewe or ram.

177. (1) If any person—

(a) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or being the owner, permit, any animal to be so used, or shall, by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal; or

(b) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or

(c) shall cause, procure, or assist at the fighting or baiting of any animal; or shall keep, use, manage, or act or assist in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or shall permit any premises or place to be so kept, managed, or used, or shall receive, or cause or procure any person to receive, money for the admission of any person to such premises or place; or

(d) shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner permit, such administration of, any poisonous or injurious drug or

Offences of
cruelty.
[1 of 1931
12 of 1953
8 of 1997
10 of 1998]

substance to any animal, or shall wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal; or

(e) shall subject, or cause or procure, or being the owner permit, to be subjected, any animal to any operation which is performed without due care and humanity,

such person shall be guilty of an offence of cruelty and shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars and to imprisonment for six months.

(2) For the purposes of this section, an owner shall be deemed to have permitted cruelty if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that, where an owner is convicted of permitting cruelty by reason only of his having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall render illegal or shall apply—

(a) to the commission or omission of any act in the course of the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or

(b) to the coursing or hunting of any captive animal, unless such animal is liberated in an injured, mutilated, or exhausted condition; but a captive animal shall not, for the purposes of this section, be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been recaptured, or if it is under control.

Power of court
to order
destruction of
animal
[1 of 1931]

178. (1) Where the owner of an animal is convicted of an offence of cruelty it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that

LAWS OF GUYANA

purpose; and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed in his presence without unnecessary suffering. Any reasonable expense incurred in destroying the animal may be ordered by the court to be paid by the owner and any sum so ordered to be paid shall be regarded and dealt with in all respects as if it were a sum awarded by a judgment of the court under the Summary Jurisdiction (Petty Debt) Act:

c 7:01

Provided that, unless the owner assents, no order shall be made under this section except upon the evidence of a duly registered veterinary surgeon.

(2) No appeal shall lie from an order for the destruction of an animal.

No appeal in certain cases

179. If the owner of any animal shall be guilty of cruelty to the animal, the court may, if it thinks fit, in addition to any other punishment, deprive such person of the ownership of the animal, and may make such order as to the disposal of the animal as it thinks fit under the circumstances:

Power of court to deprive person convicted of cruelty of ownership of animal
[1 of 1931]

Provided that no order shall be made under this section unless it is shown by evidence as to a previous conviction under this Act, or as to the character of the owner, or otherwise as to his treatment of the animal, that the animal, if left with the owner, is likely to be exposed to further cruelty.

180. If any person shall, by cruelty within the meaning of this Act to any animal, do or cause to be done, any damage or injury to the animal or any person or property, he shall upon conviction for the cruelty be liable upon the application of the person aggrieved to be ordered to pay as compensation to the person who shall sustain damage or injury as aforesaid such sum not exceeding not less than five thousand dollars nor more than ten thousand dollars as the court before whom he is convicted may consider reasonable, provided that this section shall not—

Compensation for damage done by cruelty to animal.
[1 of 1931
1 of 1989
8 of 1997
10 of 1998]

(a) prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; nor

LAWS OF GUYANA

(b) affect the liability of any person to be proceeded against and punished under this Act for an offence of cruelty.

Animals
detained before
being sent to
pound
[1 of 1931
12 of 1953
1 of 1989
8 of 1997
10 of 1998]
Poisoned grain
and flesh.
[1 of 1931
12 of 1989
8 of 1997
10 of 1998]

181. Any person who detains an animal before it is sent to the pound shall, if necessary, while the animal is so detained supply it with food and water, and if he fails to do so, he shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

182. If any person—

(a) shall sell, or offer or expose for sale, or give away, or cause or procure any person to sell, offer, or expose for sale or give away, or knowingly be a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for *bona fide* use in agriculture; or

(b) shall knowingly put or place, or cause or procure any person to put or place, or knowingly be a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous,

such person shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars:

Provided that, in any proceedings under paragraph (b), it shall be a defence that the poison was placed by the accused for the purpose of destroying insects and other invertebrates, rats, mice, or other small ground vermin, where such is found to be necessary in the interests of public health, agriculture, or the preservation of other animals, domestic or wild, or for the purpose of manuring the land.

Use of dogs
for purpose of
draught
[1 of 1931
12 of 1953
4 of 1972]

183. Any person using, or causing or procuring or being the owner, permitting to be used, any dog for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow on any public highway or elsewhere (except in the case of the use in play by a child of a dog with a toy-cart) shall be liable to a fine of not less than two thousand five

LAWS OF GUYANA

hundred dollars nor more than five thousand dollars for the first offence, and to a fine of not less than five thousand dollars nor more than ten thousand dollars for the second or any subsequent offence. 8 of 1997]

184. Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any animal or which is so placed as to be likely to catch any animal, shall inspect or cause some competent person to inspect the trap at reasonable intervals of time and at least once every day between sunrise and sunset, and if any person shall fail to comply with this section he shall be liable to a fine of not less than two thousand five hundred dollars nor more than five thousand dollars. Inspection of traps [1 of 1931 12 of 1953 8 of 1997 10 of 1998]

185. (1) If a police officer or constable finds any animal so diseased or so severely injured or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon and if it appears by the certificate of such surgeon that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, it shall be lawful for the police officer or constable, without the consent of the owner to slaughter the animal, or cause, or procure it to be slaughtered, with such instruments or appliances and with such precautions and in such manner, as to inflict as little suffering as practicable, and, if the slaughter takes place on any public highway, to remove the carcass or cause or procure it to be removed therefrom. Injured animals [1 of 1931]

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and if that person fails so to do, the police officer may, without the consent of that person, cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by any police officer or constable in carrying out the provisions of this section (including the expenses of any veterinary surgeon summoned by the

LAWS OF GUYANA

100

Cap. 8:02

Summary Jurisdiction (Offences)

c 7:01 police officer or constable and whether the animals slaughtered under this section or not) may be recovered from the owner under the Summary Jurisdiction (Petty Debt) Act.

(4) For the purposes of this section the expression “animal” means any horse, bull, sheep, goat or pig.

Detention
of vehicle
or animal
[1 Of 1931]

186. Where a person having charge of a vehicle or animal is apprehended by a police officer or constable for an offence under this Act, it shall be lawful for that or any other police officer or constable to take charge of such vehicle or animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court shall direct such vehicle or animal to be delivered to the person charged or the owner and the reasonable costs of such detention, including the reasonable costs of veterinary treatment, where such treatment is required, shall in the event of a conviction in respect of the said animal be recoverable from the owner under the Summary Jurisdiction (Petty Debt) Act, or, where the owner himself is convicted, shall be part of the costs of the case.

c.7:01.

Owners to
produce
animals if so
required
[1 of 1931
1of 1989
8 of 1997
10 of 1998]

187. (1) Where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to the owner of the animal requiring him to produce either at, or at any time before, the hearing of the case, as may be stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(2) Where a summons is issued under subsection (1), and the owner fails to comply therewith without satisfactory excuse, he shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars for the first occasion and of not less than three thousand dollars nor more than six thousand dollars for the second or any subsequent occasion on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

Surgical Treatment of Animals

188. (1) Everyone who subjects, or causes or procures, or, being the owner, permits, to be subjected, an animal to an operation contrary to this section shall be liable in respect of the first offence to a fine of not less than five thousand dollars nor more than ten thousand dollars and in respect of any second or subsequent offence to a fine of not less than ten thousand dollars nor more than twenty thousand dollars and to imprisonment for six months.

Provisions s to
operations on
animals
[1 of 1931
8 of 1997
10 of 1998]

(2) No horse, bull, dog or cat, shall be subjected to any operation—

(a) specified in classes A, B, or C, respectively in the Second Schedule, unless the animal during the whole of the operation is under the influence of some general anaesthetic of sufficient power to prevent it feeling pain;

(b) specified in classes D, E, or F, respectively in the Second Schedule hereto, unless the animal during the whole of the operation is under the influence of some general anaesthetic or some local anaesthetic which is, in either case, of sufficient power to prevent it feeling pain.

Second
Schedule

(3) (a) The Minister may by order—

(i) add any other operation to the operations specified in any of the classes in the Second Schedule hereto, and any operation so added shall be deemed to be an operation specified in that class;

Second
Schedule.

(ii) transfer an operation from one class to another;

(iii) extend any provision of this Act to any domestic animal to which the provision does not at the time apply, with the modifications or additions appearing to the Minister to be necessary; and

(iv) declare any substance to be a suitable general anaesthetic or suitable local anaesthetic for the purposes of this Act, and any substance so declared shall be deemed to be a general anaesthetic or local anaesthetic, as the case may be, of sufficient power to prevent the animal feeling pain if properly applied.

LAWS OF GUYANA

102

Cap. 8:02

Summary Jurisdiction (Offences)

(b) The draft of any order aforesaid shall be published in the *Gazette* for a period of three weeks before it is made, and any person may make representations to the Minister with respect to the draft order.

Sunday Labour

189. Repealed

190. Repealed

LAWS OF GUYANA

Summary Jurisdiction (Offences)

Cap. 8:02

103

Sunday Trading

191. Repealed

192. Repealed

LAWS OF GUYANA

104

Cap. 8:02

Summary Jurisdiction (Offences)

193. Repealed

194. Repealed.*Detention of Goods*

195. (1) On complaint made by any persons claiming to be entitled to the property or possession of any article or thing detained by another, the value of the article or thing not being greater than fifty thousand dollars and not being a deed or other document relating to property of greater value than fifty thousand dollars, the court may inquire into the title thereto, or to the right of possession thereof, and if it appears to the court, after demand has been made therefor by the person by whom the complaint has been made, that the article or thing has been detained without just cause by the person against whom the complaint has been made, or that the person detaining the article or thing has a lien upon or a right to detain it by way of security for the payment of money or the performance of any act by the owner thereof, the court may order the article or thing to be delivered to the owner thereof, or to the person entitled to the possession thereof, either absolutely or upon tender of the amount appearing to the court to be due by the owner, or by the person entitled to the possession thereof, or upon the performance, or upon the tender and refusal of the performance, of the act for the performance of which the article or thing has been detained as security, or, if that act cannot be performed, then upon tender of amends for non-performance.

Power of the court with respect to unlawful detention of articles [1 of 1989 8 of 1997 10 of 1998]

(2) Everyone who refuses or neglects to deliver the article or thing according to the order shall pay as amends to the person aggrieved the full value thereof.

(3) The order shall not prevent any person from recovering the article or thing so delivered by action from the person to whose possession it comes by virtue of the order.

Disposal or retention by workman of article committed to his care
[1 of 1989
8 of 1997
10 of 1998]

196. Every artificer, workman, journeyman, apprentice, servant, labourer, or other person, who unlawfully disposes of, or retains in his possession, without the consent of the person by whom he has been hired, retained, or employed, any article or thing not exceeding fifty thousand dollars in value, committed to his care or charge shall be liable to a fine of thirty thousand dollars, and also to pay as amends to the person aggrieved the full value of the article or thing so disposed of or not returned uninjured.

Use of Fire

Negligent use of fire
[1 of 1989
8 of 1997
10 of 1998]

197. Everyone who causes any loss, damage, or injury to the property of another by the negligent use of fire shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand.

Regulation of Judicial Proceedings

Obstruction or insulting magistrate or justice.
[1 of 1989
8 of 1997
10 of 1998]

198. Everyone who—

- (a) obstructs, prevents, or in any way disturbs or molests, any magistrate or justice of the peace, or any person employed by him, in the execution of his duties under this written law or under any other written law; or
- (b) uses any threatening, abusive, or insulting language, or sends any threatening, abusive, or insulting message or letter to any magistrate or justice of the peace, in respect of his duties,

shall on conviction thereof before any magistrate, not being the magistrate so obstructed, prevented, disturbed, molested, threatened, abused, or insulted, be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars.

199. (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 person, being a judge, registrar, magistrate, or coroner of the court or a juror or a witness in or a party to any proceedings before the court, whether civil or criminal; or

(b) publish any photograph, portrait or sketch taken or made in contravention of the foregoing provisions of this section or any reproduction thereof;

Prohibition
taking
photographs,
etc., in court.
[30 of 1954
1 of 1989
8 of 1997
10 of 1998]

and if any person acts in contravention of any of the provisions of this section he shall be liable on summary conviction in respect of each offence to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars or to imprisonment for twelve months.

(2) For the purposes of this section a photograph, portrait or sketch shall be deemed to be a photograph, portrait or sketch taken or made in court if it is taken or made in the court-room or in the building or in the precincts of the building in which the court is held, or if it is a photograph, portrait or sketch taken or made of the person while he is entering or leaving the court-room or any such building or precincts as aforesaid.

(3) In this section—

“court” means any court of justice including any place where an inquest or inquiry is being held by a coroner;

“judge” means a judge of the Supreme Court sitting with or without a jury or in Chambers;

“registrar” means the Registrar of the Supreme Court and includes any person lawfully discharging the functions of the Registrar in reference to any cause or matter in the Supreme Court and the Clerk of any court;

the expressions “coroner”, “inquest” and “inquiry” shall have the

LAWS OF GUYANA

108

Cap. 8:02

Summary Jurisdiction (Offences)

c. 4:03 respective meanings assigned to them by section 2 of the Coroner's Act.

Restriction of publication of reports of judicial proceedings [1 of 1989 10 of 1998]

200. (1) In this section—

“judicial proceedings” includes proceedings before any court, tribunal, or person having by law power to hear, receive and examine evidence on oath.

(2) It shall not be lawful to print or publish, or cause or procure to be printed or published—

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details being matter or details the publication of which would be calculated to injure public morals;

(b) in relation to any judicial proceedings for dissolution of marriage, for nullity of marriage, or for judicial separation, or for restitution of conjugal rights, any particulars other than the following, that is to say—

(i) the names, addresses and occupations of the parties and witnesses;

(ii) a concise statement of the charges, defences and counter-charges in support of which evidence has been given;

(iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;

(iv) the judgment of the court and observations made by the judge in giving judgment:

Provided that nothing in this part of this paragraph shall be held to permit the publication of anything contrary to the provisions of paragraph (a).

(3) If any person acts in contravention of the provisions of this Act, he shall in respect of each offence be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars and to imprisonment for six months:

Provided that no person, other than a proprietor, editor, master printer or publisher, shall be liable to be convicted under this section.

(4) No prosecution for an offence under this section shall be commenced by any person without the sanction of the Director of Public Prosecutions.

(5) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court; or to the printing or publishing of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

False Information to Public of Officers

201. Every person who gives to any public officer any information orally or in writing which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public officer to use the lawful power of such public officer to the injury or annoyance of any person, or to do or omit anything which such public officer ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars or to imprisonment for eighteen months.

False information with intent to cause a public officer to use his lawful power to the injury of another person.
[23 of 1949
1 of 1989
8 of 1997
10 of 1998]

LAWS OF GUYANA

110

Cap. 8:02

Summary Jurisdiction (Offences)

Intimidation of Workers

Intimidation or
obstruction of
worker
[4 of 1972
1 of 1989
8 of 1997
10 of 1998]

202. Everyone who, for the purpose of compelling any other person to conduct himself in a particular manner in respect of his business or employment, or to do any act, or to abstain from doing any lawful act of any kind, injures, removes, or conceals any tools, materials, or other things used by him in his business, or employment, or uses any violence to him or to any other person, shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars or to imprisonment for twelve months.

Attempted Suicide

Attempt to
commit
suicide

203. Everyone who attempts to commit suicide shall be guilty of a misdemeanour, and shall be liable to imprisonment for twelve months

Interpretation
[15 of 1937]

204. In the two next ensuing sections the expression “currency note” means a currency note issued under the Bank of Guyana Act or any other Act for the time being in force or issued by or on behalf of the Government of any country outside Guyana and whether issued by any body corporate, company or person carrying on the business of bankers or not and also includes any note (by whatever name called) which is legal tender in the country in which it is issued.

Imitation of
currency
notes.
[15 of 1937
1 of 1989
8 of 1997
10 of 1998]

205. If any person makes or causes to be made or uses for any purpose whatsoever, or utters any document purporting to be or in any way resembling or so nearly resembling as to be calculated to deceive, any currency note or any part thereof, he shall be liable on conviction in respect of each such document to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars and the court shall order the document in respect of which the offence was committed and any copies of that document and any plates, blocks, dies, or other instruments used for or capable of being used for printing or reproducing any such document, which are in the possession of such offender, to be delivered to the Accountant General or to any person authorised by him to receive them.

LAWS OF GUYANA

Summary Jurisdiction (Offences)

Cap. 8:02

111

206. Whosoever without lawful authority or excuse (the proof whereof shall lie on the person accused) mutilates, cuts, tears or perforates with holes any currency note or in any way defaces a currency note whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement, shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars.

Mutilating or
defacing
currency notes
[15 of 1937
1 of 1989
8 of 1997
10 of 1998]

LAWS OF GUYANA

112

Cap. 8:02

Summary Jurisdiction (Offences)

s. 101
[24 of 1930]

FIRST SCHEDULE

I (name in full) make oath and say as follows-

1. My true place of abode is (here set out in full together with name of country) and my postal address is the same (or set out in full where different).

2. I am a (set out occupation, e.g., merchant, clerk, secretary, etc.) and I am the president, or director or partner or manager, or foreign sales manager, or secretary, etc', of (state the name of the company and whether incorporated or not) or I am the proprietor of the business carried on under the name of (set out name).

3. The (state the name of the company or firm or business) carries on the business of (state the nature of the business) at (state address in full).

4. On theday of19....., there was received by post at the office of (set out the name as in the latter part of paragraph 2) and delivered to me in the ordinary course of business on theday of19....., the document which is now produced and shown to me and marked with the letter "A" (if more documents than one were the envelope they should be marked "A1," "A2" etc.) and where the envelope is produced which was (or were) enclosed in the same envelope which is now produced and shown to me marked "B"

5. (Where documents have been received subsequently referring to the order the receipt of each should be set out in a separate paragraph thus) on theday of19....., there was received at the office of (as in paragraph 4) and delivered to me in the ordinary course of business on theday of19..... the document which is now produced and shown to me marked with the letter "C" (if more than one as in paragraph 4) which was or were enclosed in the envelope now produced and shown to me marked "D".

.....
(Signature of deponent)

LAWS OF GUYANA

Sworn before me

C.....D..... at
.....thisday of
.....19.....
.....
(Signature of Notary, etc.)

s. 188
[1 of 1931]

SECOND SCHEDULE

A—HORSES, MARES, GELDINGS, COLTS, FILLIES, MULES, JENNETS AND DONKEYS

1. Operation for quitter. 2 Operation for stripping the wall or sole of the hoof. 3. Operation for poll evil. 4. Operation for fistulous withers. 5. Ovariotomy. 6. Laparotomy. 7. Amputation of penis, mamma, uterus. 8 Extraction of permanent molar teeth. 9. Operations for scrotal and inguinal hernia. 10. Operations for scirrhus cord and extensive tumours.

B—DOGS AND CATS

1. Castration in animals six months old and upwards. 2. Ovariotomy. 3. Laparotomy. 4. Amputation of penis, mamma, uterus. 5. Operations for scrotal and inguinal hernia.

C—BULLS, COWS, OXEN, STEERS, HEIFERS, CALVES

1. Ovariotomy. 2. Operations for actinomyosis. 3. Laparotomy. 4. Amputation of penis, mamma, uterus. 5. Dishorning cattle over one month old.

D—HORSES, MARES, GELDINGS, COLTS, FILLIES, MULES, JENNETS AND DONKEYS

1. Neurectomy or unnerving. 2. Enucleation of the eyeball. 3. Line and point firing. 4. Urethrotomy. 6. Docking of the tail. 7. Trephining.

LAWS OF GUYANA

114

Cap. 8:02

Summary Jurisdiction (Offences)

E—DOGS AND CATS

1. Enucleation of the eyeball. 2. Operation for umbilical hernia.
3. Urethrotomy. 4. Docking of the tail and clipping or rounding of ears of animals over six months old.

F—BULLS, COWS, OXEN, STEERS, HEIFERS, CALVES

1. Enucleation of the eyeball. 2. Operation for umbilical hernia.
 3. Rumenotomy. 4. Urethrotomy. 5. Trephining.
-