



**THE
AGRICULTURAL PRODUCE
AND
LIVESTOCK (PREVENTION OF THEFT)
ACT 2007.**

St. Vincent & the Grenadines

Repackaged by permission by
the Communications Unit

FORM 1

**THE AGRICULTURAL PRODUCE AND LIVESTOCK (PREVENTION OF THEFT) ACT 2007
RETURN OF WITNESS TO TAKING OF PHOTOGRAPH (S)**

(Sections 21)

I
(name of person)
of
(address of person)
Was jointly* present with*
onat
(date) (place)
and witness the taking of Photograph(s) of
.....
(quantity, if known, and type of agricultural produce or livestock)
by or on the order of
(name, rank and number of constable)
Date
Signature/Mark
Identification Card / Driver's Permit No.
Witness to signature or mark

**delete, if either the person who claims to be entitled to the agricultural produce or livestock or the suspected person is not present.*

Passed on the House of Assembly this 20th day of November, 2007

NICHOLE HERBERT
Clerk of the House of Assembly

Printed by the Government Printer at the Government Printing Office,
Campden Park, St.Vincent and the Grenadines

SCHEDULE 3
(Sections 21)
FORM 1

THE AGRICULTURAL PRODUCE AND LIVESTOCK (PREVENTION OF THEFT) ACT 2007

RETURN OF CONSTABLE

I
(name, rank and number)

of
(address)

did ontake or caused to be taken photograph(s) of
.....
(quantity, if known and type of agricultural produce or livestock and any distinguishing marks)

and the said photograph(s) was/were shown as numbers
(number of exposures)

on the photographic camera model/serial numbers
(model and serial number of camera)

which was used to take the photograph(s).

Date

Signature

ARRANGEMENT OF THE SECTIONS

SECTIONS

1.	Short title and arrangements	4
2.	Interpretation	4
3.	Registration as a seller of agricultural produce or livestock	6
4.	Hours of transaction	8
5.	Certificate of purchase or receipt	8
6.	Conveying produce or livestock or several persons	10
7.	Power to arrest without a warrant	10
8.	Power to stop and search	10
9.	Power to stop and examine	11
10.	Power to request certificate of purchase etc	11
11.	Power to arrest and seize	12
12.	Trial of suspected person	13
13.	Escape of suspect	13
14.	Search warrant	14
15.	Trial of persons before magistrate under section 14	15
16.	Tracing possession	16
17.	Orders before conviction	17
18.	Forfeiture and sale after conviction	18
19.	Restitution	18
20.	Supervision order	20
21.	Taking of photographs of agricultural produce or livestock	22
22.	Sale of livestock and perishable produce	23
23.	Identification systems	24
24.	Assistance to constable	25
25.	Penalty of assaulting constable	25
26.	Offences in relation to certificate of purchase	25
27.	Forging, counterfeiting certificate of registration	26
28.	Prosecution of offences	26
29.	Amendment to schedules	27
30.	Regulations	27
31.	Savings	27
32.	Transition	27
SCHEDULES		28

St. Vincent & the Grenadines

ACT NO. 49 of 2007
I ASSENT

DR. FEDERICK BALLANTYNE
Governor General
28th December, 2007

[L.S.]

AN ACT to make provision for the prevention of theft of agricultural produce and livestock and for related matters.

31st December, 2007

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:

Short title and commencement

1. (i) This Act may be cited as the Agricultural Produce and Livestock (Prevention of Theft) Act 2007.

(ii) This Act shall come into force on such date the Governor General may appoint by Proclamation published in the *Gazette*.

Interpretation

2. (i) In this Act, unless the context otherwise requires “agricultural produce” means root crops, plants, grasses, pulses, vegetables, cereals, fruit and fibers;

SCHEDULE 2

(Section 5)

CERTIFICATE OF PURCHASE OF AGRICULTURAL PRODUCE OR LIVESTOCK

Name and address of grower of agricultural produce or rearer of livestock

Place where agricultural produce was grown or livestock was reared

Name and address of owner of agricultural produce or livestock if the owner is not the grower or rearer

The type and quantity of agricultural produce or livestock purchased or reared

The date of the sale or delivery of the agricultural produce or livestock

The price paid for the purchase

I of hereby certify that the information contained herein is true to the best of my knowledge, information and belief

Dated this day of

.....
Name of vendor

SCHEDULES

SCHEDULE 1

(Sections 3, 4, 5)

VALUE OR WEIGHT OF AGRICULTURAL PRODUCE OR LIVESTOCK

1. Agricultural produce or the value of fifty dollars or more or of the weight of five kilograms or more
2. Livestock of the value of fifty dollars or more of the weight of five kilograms or more.

Cap. 280

“certificate of registration” means a certificate of registration issued under section 3;

“constable” means a member of the Royal Saint Vincent and the Grenadines Police Force and includes a rural constable appointed under the Police Act;

“farm animal” includes any horse, mare, gelding, foal, colt, donkey, mule, ass, ox, bull, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog or pig.

“livestock” includes any farm animal or poultry or the carcass, head, skin, or any other part or product thereof;

“Minister” means the Minister responsible for agriculture;

“poultry” includes any fowl, chicken, turkey, ducks, goose, or other, bird commonly reared for the purpose of human consumption;

“suspected persons” means a person who has or has had in his possession or under his control in any place agricultural produce or livestock in the circumstances as shall reasonably cause a constable to suspect that the agricultural produce or livestock has been unlawfully obtained;

“vehicles” means any cart, carriage, dray, motor car, tractor, lorry or wheeled vehicle of any kind and, where the vehicle is drawn by an animal, includes such animal.

(ii) Where in the Act agricultural produce or livestock is expressed to have been unlawfully obtained that expression means that the agricultural produce or livestock was stolen or otherwise unlawfully obtained or received with knowledge that the agricultural produce or livestock had

been so stolen or otherwise unlawfully obtained.

Registration as
seller of agricul-
tural produce or
livestock

Schedule 1

3. (1) This section does not apply to a person who has been registered as farmer and issued with a farmer's registration card by the Minister.

(2) A person who sells or otherwise disposes of agricultural produce or livestock of the value or weight prescribed in Schedule 1 shall be registered in the manner provided in this section.

(3) An application for registration, or renewal of registration under this section shall:

- (a) be made to the Minister
- (b) be in the form and contain and be accompanied by information required by the Minister; and
- (c) be accompanied by such fee as the Minister may prescribe.

(4) Where a person applies under this section to be registered, the Minister may cause such person to be registered and shall issue a certificate of registration in a form approved by the Minister.

(5) A certificate of registration issued under this section-

- (a) is valid for a period of five years from the date of issue upon payment of the prescribed fee, if any, and is renewable on expiry;
- (b) shall carry—
 - (i) a registration number;
 - (ii) the date of issue;
 - (iii) the date on which the certificate of registration shall expire; and

by the Criminal Procedure Code on the complaint of a constable.

Amendment
to Schedules

29. The Minister may, by order published in the *Gazette*, amend the schedules to this Act.

Regulations

30. The Minister may make regulations -
(a) generally for giving effect to this Act; and
(b) prescribing anything that is authorized or required to be prescribed by this Act.

Savings

31. The provisions of this Act are in addition to the provisions of any other enactment providing for the prevention of theft of agricultural produce or livestock and nothing in this Act shall limit or affect any such enactment.

Transitions

32. (1) A person who immediately before the date of commencement of this Act was selling or otherwise disposing of agricultural produce or livestock and who is required under this Act to be registered may continue to sell or otherwise dispose of such agricultural produce or livestock without being registered under this Act -

- (a) during the period of six months beginning with that date; and
- (b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(2) The Minister may, by order published in the *Gazette*, extend the period referred to in subsection (1) (a).

- (2) A person who -
- (a) when requested to produce a certificate of purchase or receipt, produces an invalid or false certificate of purchase or receipt;
 - (b) issues a certificate of purchase or receipt that contains any false information in respect of the agricultural produce or livestock; or
 - (c) in any way alters a certificate of purchase or receipt, commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years or to both such fine and imprisonment and in respect of a second or subsequent offence, to imprisonment for four years.
- (3) It is a defense to a charge brought under subsection (1) to prove that the agricultural produce or livestock in respect of which the charge arose was cultivated or reared by the person so charged.

Forging, counterfeiting certificate of registration

27. A person who forges or counterfeits or causes to be forged or counterfeited any document purporting to be a certificate of registration under this Act commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years or to both such fine and imprisonment.

Prosecution of offenses

Cap. 25

28. Any offence under this Act may be prosecuted and any penalty incurred may be imposed or recovered, in the manner provided

Schedule 1

- (iv) such other particulars as the Minister thinks fit.
- (6) A person registered under this section shall-
- (a) keep his certificate of registration in his possession and, on being so required by a constable, produce it for examination; or
 - (b) cause his certificate of registration or a duplicate of such certificate of registration to be conspicuously placed at the place from which he sells or otherwise disposes of agricultural produce or livestock or in each such place, where there is more than one.
- (7) A person who is required under this section to be registered and who-
- (a) sells or otherwise disposes of agricultural produce or livestock of the value or weight prescribed in Schedule 1 without a valid certificate or registration issued under subsection (4); or
 - (b) fails to comply with subsection (6), commits an offence and is liable on summary conviction to a fine of five hundred dollar and to imprisonment for three months or to both such fine and imprisonment.
- (8) Notwithstanding subsection (7) (b), where a person is unable to produce his certificate of registration when so required under subsection (6) (a), a constable may permit that person to produce the certificate of registration in person within forty-eight hours thereafter at such police station as may be specified by the constable, and if the certificate of registration is so produced that person shall not be convicted of an offence under this sec-

tion.

- (9) Notwithstanding subsection (2), any other person may apply to be registered under this section and where such an application is made this section shall govern the application.

4. (1) A person shall-

- (a) purchase or in any manner obtain possession or custody of; or
- (b) sell or otherwise dispose of, agricultural produce or livestock of the value or weight prescribed in Schedule 1 only between the hours of 5:00 am and 7:00 pm.

Hours of transaction

Schedule 1

- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months or to both such fine and imprisonment.

Cap. 117

- (3) Subsection (1) does not apply to a person who is licensed to carry on trade under the Price and distribution of Goods Act.

5. (1) No person shall-

- (a) purchase; or
- (b) in any manner obtain possession or custody of, agricultural produce or livestock of the value or weight prescribed in Schedule 1 unless at the time of purchase or of obtaining possession or custody of the agricultural produce or livestock the person obtains a certificate of purchase or receipt from the vendor or other person as the case may be.

Certificate of purchase or receipt

Schedule 1

- (2) No person shall-

subsection (3).

- (3) The Minister may, by notice published in the *Gazette*, specify the identification systems that may be used to comply with regulations made under this Act; and shall keep and make publicly available, a register of all notices published in the *Gazette* under this section.

Assistance to constable

- 24.** A constable may call upon any person to aid and assist him in the execution of his duties under this Act, and if any person so called upon neglects or refuses without reasonable excuse to aid and assist such constable he commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months or to both such fine and imprisonment.

Penalty for assaulting constable

- 25.** A person who assaults, obstructs, hinders or resists a constable in the execution of his duties under this Act, or a person acting in aid of such constable, or aids or incites any other person to assault, obstruct, hinder or resist a constable or a person acting in aid of a constable commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years or to both such fine and imprisonment.

Offences in relation to certificate of purchase

- 26.** (1) A person who contravenes section 5 commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months or to both such fine and imprisonment.

agricultural produce or livestock was seized and sold or otherwise disposed of, under subsection (1), the court may —

- (a) in the case of a sale, order that the compensation be paid, out of and not exceeding the net amount realized by the sale, to the person who appears to the magistrate to be entitled to the agricultural produce or livestock; or
 - (b) in a case where the agricultural produce or livestock was otherwise disposed of, order the accused to pay the informant or complainant such compensation not exceeding the net market value of the agricultural produce or livestock.
- (5) An award for compensation referred to in subsection (4) shall not be a bar to any civil proceedings for damages but any compensation awarded shall be taken into account for awarding damages.
- (6) Where agricultural produce or livestock is sold in accordance with subsection (1) and the owner cannot be ascertained, the proceeds of the sale shall be paid into the Consolidated Fund.

Identification systems

- 23.** (1) The Minister, may, from time to time, approve or maintain systems for the purpose of enabling the identification and tracing of livestock.
- (2) Regulations made under this Act may require persons of any kind or description to use one of or more than one identification system approved or maintained under this section and notified in the *Gazette*, in accordance with

Schedule 1

- (a) sell; or
- (b) otherwise dispose of, agricultural produce or livestock of the value or weight prescribed in Schedule 1 unless at the time of sale or disposal the person gives a certificate of purchase or receipt as the case may be, to the purchaser or other person obtaining possession or custody of the agricultural produce or livestock.

Schedule 2

- (3) The certificate of purchase referred to in subsections (1) and (2) shall be in the form set out in Schedule 2.
- (4) A receipt referred to in subsections (1) and (2) shall include the following information-
- (a) the date of sale or disposal of the agricultural produce or livestock;
 - (b) If the person who sells or otherwise disposes of agricultural produce or livestock is not a supermarket or grocery, the type and quantity of the agricultural produce or livestock sold or disposed of; and
 - (c) if the agricultural produce or livestock is purchased, the price paid therefore.
- (5) A person who gives a certificate of purchase or receipt in accordance with subsection (2) shall retain a duplicate of the certificate of purchase or receipt.
- (6) A certificate of purchase or receipt referred to in this section shall be produced at the request of a constable and on production of the certificate or receipt, the constable shall-

- (a) in writing, indicate at the back of the certificate of purchase or receipt the time it was produced and the amount and type of agricultural produce or livestock seen by the constable; and
- (b) Sign the certificate of purchase or receipt.

Conveying produce or livestock of several persons

- 6. (1) The person in charge of a vehicle or other means of conveyance that is used for the purpose of conveying the agricultural produce or livestock of more than one person shall cause the agricultural produce or livestock to be placed in such a manner as to preserve the identity of ownership of the several items of agricultural produce or livestock belonging to those persons.
- (2) A person in charge of a vehicle or other means of conveyance who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months or to both such fine and imprisonment.
- (3) The provisions of subsection (2) are without prejudice to the power of a constable to act with respect to such person in accordance with section 11. A constable may arrest a suspected person without a warrant.

Power to arrest without a warrant

- 7. A constable may arrest a suspected person without a warrant.
- 8. (1) A constable may, without a warrant, stop and search a person whom he has reasonable cause to suspect-
 - (a) is carrying agricultural produce or livestock

Power to stop and search

Sale of livestock and perishable produce

22. (1) Notwithstanding anything in this Act, where any agricultural produce or livestock seized is likely to perish before the trial of an offence under this Act, the constable making an arrest shall deliver the agricultural produce or livestock to the Chief Agricultural Officer who shall sell the agricultural produce or livestock, or if a sale cannot be conducted, dispose of it in any other manner.

- (2) The Chief Agricultural Officer shall deliver to the magistrate's court the offence referred to in subsection (1) is to be tried -
 - (a) a certificate containing the following information —
 - (i) the quantity of agricultural produce or livestock received by him;
 - (ii) the quantity of agricultural produce or livestock sold;
 - (iii) the amount realized by the sale;
 - (iv) the date of the sale; and
 - (v) where the agricultural produce or livestock is disposed of otherwise than by sale, the method and the date of disposal; and
 - (b) the proceeds of the sale less any amount that is applied to satisfy the conduct of the sale.
- (3) A certificate referred to in subsection (2) shall be admissible in evidence as proof of the matters therein stated without proof of the signature of the Chief Agricultural Officer.
- (4) Where a person brought before the magistrate under this Act pleads guilty to or is convicted of an offence in respect of which the

- trate of that offence;
- (b) Without prejudice to the continuance of the order impose on the person a fine not exceeding ten thousand dollars; or
- (c) Revoke the order and enforce the term of imprisonment commuted under subsection (1).
- (5) In this section, "officer" means the police officer in charge of the police station in the district where the home of the person in respect of whom an order has been made under subsection (1) is located or any police officer specified by the Commissioner of Police.

Taking of photographs of agricultural produce or livestock

21. A constable shall, within seventy-two hours of the seizure of any agricultural produce or livestock alleged to have been unlawfully obtained, take or cause to be taken such photographs as may necessary, of the agricultural produce or livestock and complete Form 1 as set out in schedule 3.

Schedule 3

- (2) The photographs shall be taken in the presence of the person who claims to be entitled to the agricultural produce or livestock and, wherever practicable, in the presence of the suspected person and both the person who claims to be entitled to the agricultural produce or livestock and the suspected person may complete Form 2 set out in Schedule 3.
- (3) Where a person referred to in subsection (2) refuses to sign Form 2 set out in Schedule 3, the constable shall make a note of the refusal on the Form 2 and shall date and initial the note.

Power to stop and examine

Power to request certificate of purchase

- which has been unlawfully obtained; or
- (b) Is in control of any heap, stall or other collection of agricultural produce or livestock which has been unlawfully obtained.
- (2) Where in the course of a search carried out under this section, agricultural produce or livestock is discovered, the constable may require the person-
 - (a) to produce a certificate of purchase or receipt referred to in section 5; or
 - (b) To give an account of how he came into possession of the agricultural produce or livestock.
- (3) Sections 10(3) , 11 and 12 apply to this section with such modifications as may be necessary.

9. For the purpose of ascertaining whether agricultural produce or livestock is being conveyed on a vehicle or other means of conveyance, a constable may stop the vehicle or other means of conveyance and upon informing the person in charge of the vehicle or other means of conveyance of his purpose, may examine the vehicle or other means of conveyance or any parcel or package of any kind found in the vehicle or conveyance.

10. (1) Where in the course of examining a vehicle or other means of conveyance under section 9, a constable discover agricultural produce or livestock, the constable may require the person in charge of the vehicle or other means of conveyance to produce a certificate of purchase or receipt referred to in section 5,

or to give proffer of ownership of the agricultural produce or livestock in his possession.

- (2) A person who, on being required to produce a certificate of purchase or receipt or to give a proof of ownership under subsection (1), fails to produce such certificate of purchase or receipt or fails to give proof of ownership, shall be required to give an account to the satisfaction of the constable by what lawful means he came into possession of the agricultural produce or livestock.
- (3) If the person referred to in subsection (1) alleges that he was employed as a driver, carrier, agent or servant to convey the agricultural produce or livestock he shall be required to give an account to the satisfaction of the constable of the person by whom he was employed and of the circumstances of his employment.

- 11.** If upon being required to produce a certificate of purchase or receipt or to give proof of ownership, or to give an account under section 10, the person in charge of the vehicle or other means of conveyance does not produce the certificate of purchase or receipt or fails to give proof of ownership, or does not give an account, or, if he produces a certificate of purchase or receipt or gives proof of ownership or gives an account that in an opinion of the constable is not genuine, the constable may regard that person as a suspected person and may -
- (a) arrest that person and any other person whom he has reasonable cause to suspect;
 - (b) Seize any agricultural produce or livestock that

Power to arrest and seize

there from;

- (d) obey any lawful instructions given to him by the officer, for the purpose of ensuring compliance on the part of such person with the requirements of the order, during the period specified therein;
- (e) receive such visits as may be made from time to time at his stated residence of home address by any constable, during the period specified in the order, for the purpose of ascertaining his whereabouts; and
- (f) present himself in the order, at such police station and at such times as the officer may specify, but not less than once per month.

- (3) Where a person without reasonable excuse fails or neglects to comply with a requirement of an order made in respect of him under this section, the officer shall apply to the magistrate who made the order for a warrant for the arrest of that person and shall bring that person before the magistrate who shall deal with the person in accordance with subsection (4).

- (4) Where a person is brought before a magistrate under subsection (3) the magistrate may -
 - (a) if it is proved to the magistrate's satisfaction that the person has failed without reasonable excuse to comply with any requirement of the order, revoke the order and deal with the person for the offence in respect of which the order was made in any manner in which the magistrate could deal with him if he had just been convicted by that magis-

Supervision
order

- 20.** (1) Where a person is convicted of an offence under this Act, the magistrate before whom the person is convicted may order that such person be placed under police supervision for a purpose not exceeding one year, to be specified in the order.
- (2) An order under subsection (1) may be made in addition to or in substitution for any other punishment to which such person may be liable, and when such an order is made in addition to any sentence of imprisonment passed on such person, the period during which the person shall be under police supervision shall commence immediately after the expiration of such sentence.
- (3) A person who is placed under police supervision under this section shall-
- (a) within twenty-four hours of leaving the court or, where he has been sentenced to imprisonment, within the same period after his release from custody, notify the officer of the following information-
- (i) his name and, where he uses one or more names, each of those names; and
- (ii) his home address;
- (b) at least fourteen days before any change of residence or home address, for any period whatsoever, inform the officer of the new residence or home address;
- (c) be and remain at his stated residence or home address from 7:00 p.m. each night and 6:00 a.m. each morning of the period or such portion thereof, as the magistrate may specify in the order, unless permitted by the officer in writing to absent himself

- the suspected person was found conveying; and
- (c) Package whereby the suspected person was conveying the agricultural produce or livestock.

Trial of
suspected
person

- 12.** (1) As soon as may be practicable after the arrest of a suspected person, the constable making the arrest shall carry the suspected person before the magistrate together with any agricultural produce or livestock, vehicle or other means of conveyance, parcel, package or any other item seized.
- (2) if a suspected person referred to in subsection (1) does not give an account to the satisfaction of the Magistrate by what lawful means he came into possession of the agricultural produce or livestock that suspected person commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years or to both such fine and imprisonment.

Escape of
suspect

- 13.** (1) Where a person-
- (a) refuses to stop a vehicle or other means of conveyance under his charge at the request of a constable in uniform;
- (b) being a suspected person escapes from a constable attempting to arrest him; or
- (c) being a suspected person lets fall or throws away from his possession any agricultural produce or livestock,
- a magistrate or justice of the peace, may upon application, issue a warrant for the arrest of that person and authorize the seizure of the vehicle or other means of conveyance, if any, that was used

to convey the agricultural produce or livestock.

- (2) Upon the arrest of a person or suspected person or the seizure of a vehicle or other means of section ii, and is liable to be dealt with in the manner prescribed in sections 12 (1) and 18.
- (3) If in being dealt with under section 12 (1) the suspected person does not give an account to the satisfaction of the magistrate by what lawful means he came into possession of the agricultural produce or livestock that suspected person commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years or both such fine and imprisonment.

Search warrant

- 14.** (1) If information is given on oath to a magistrate or justice of the peace that there is cause for suspecting that any agricultural produce or livestock unlawfully obtained is concealed or lodged in a house, store, yard or other place, or on land whether enclosed or not the magistrate or justice of the peace may issue a warrant authorizing a constable to enter and search the house, store, yard, place, or land at any time.
- (2) The magistrate or justice of the peace issuing a warrant under subsection (1) may, by such warrant, if it appears necessary to be magistrate or justice of the peace, give authority to the constable with such assistance as may be found necessary, to use force for the purpose of effecting an entry, whether by breaking open doors or otherwise, but so that before

the owner of such vehicle or other means of conveyance may make a claim to a magistrate for the vehicle or other means of conveyance to be restored to him.

- (3) Where a claim is made to a magistrate under subsection (2) the magistrate may, subject to subsection (4), order that the vehicle or other means of conveyance be restored to the owner thereof on payment by the owner of any expenses incurred in transporting and keeping the vehicle or other means of conveyance for the purposes of this Act.
- (4) A magistrate shall not make an order under subsection (3) unless the magistrate that the owner of the vehicle or other means of conveyance,
 - (a) did not permit any person convicted of an offence under section 12 or 13 to use the vehicle or other means of conveyance for the purpose of conveying any agricultural produce or livestock in respect of which the offence was committed; or
 - (b) had no knowledge that any person convicted of an offence under section 12 or 13 would use the vehicle or other means of conveyance for the purpose of conveying any agricultural produce or livestock in respect of which the offence was committed.
- (5) In this section "owner" in relation to a motor vehicle has the meaning that is given to it in the Motor Vehicles and Road Traffic Act.

Cap. 355

18. Where any person is convicted of an offence under this Act, the court before which he is convicted shall order that the agricultural produce or livestock in respect of which the offence has been committed as well as any vehicle or other means of conveyance, if, any, used for the purpose of conveying such agricultural produce or livestock be forfeited and, upon such order being made the agricultural produce or livestock and the vehicle or other means of conveyance, if any, shall, unless an order under section 19 (1) is made or an application under section 19 (2) is successful, be sold and the proceeds of such sale paid into the Consolidated Fund.

19. (1) A magistrate may order that agricultural produce or livestock alleged to have been unlawfully obtained be delivered to the person who appears to the magistrate to be entitled to the agricultural produce or livestock where-

(a) in the event of the dismissal of the complaint, the suspected person in his defense had denied being in possession of the agricultural produce or livestock that was alleged to have been unlawfully obtained;

(b) the magistrate convicts a suspected person;
or

(c) without proceeding to convict a suspected person, the magistrate acts under the Probation of offenders Act.

(2) Where a vehicle or other means of conveyance is ordered to be forfeited under section 18,

using such force for the purpose aforesaid the constable makes known his authority.

(3) If upon a search made in accordance with subsections (1) and (2), agricultural produce or livestock that the constable has reasonable cause to suspect of having been unlawfully obtained is found, the constable may arrest and bring before a magistrate as soon as may be practicable after such arrest-

(a) the person in whose house, store, yard, place or on whose land such agricultural produce or livestock is found; and

(b) any other person found in the house, store, yard or place or on such land, if the constable has reasonable cause to suspect that the person placed or was privy to the placing of that agricultural produce or livestock in the house, store, yard or place or on such land.

(4) if a constable fails or is for any reason unable to arrest a person mentioned in subsection (3) (a) and (b), a magistrate may issue a summons requiring such person to appear before the magistrate at a time and place to be mentioned in the summons.

15. A magistrate may call upon any person brought or appearing before him under section 14 to give an account to the satisfaction of the magistrate-

(a) by what lawful means agricultural produce or livestock reasonably suspected of having been unlawfully obtained came to be in the house, store, yard or place or the land where the agri-

- cultural produce or livestock was found; or
- (b) That he was not privy to the placing of the agricultural produce or livestock in the house, store, yard or place or on the land, knowing or having reasonable cause to suspect the same to have been unlawfully obtained,

and a person who fails so to satisfy the magistrate commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years or to both such fine and imprisonment.

16. (1) if a person brought or appearing before a magistrate under the Act declares that he received agricultural produce or livestock reasonably suspected of having been unlawfully obtained from some other person, or that he was employed as a driver, carrier, agent or servant to convey such agricultural produce or livestock for some other person, the magistrate may cause every such other person through whose possession or control such agricultural produce or livestock previously passed, to be brought before him either by summons or by warrant, as the magistrate in each case thinks fit.

(2) When such other person referred to in subsection (1) is brought before the magistrate, the magistrate may examine that person on oath as to whether he has been in possession or control of the agricultural produce or livestock reasonably suspected of having been unlawfully obtained, and, upon that person admitting such possession or control, or upon it being proved to the satisfac-

tion of the magistrate by what lawful means he came by such agricultural produce or livestock.

- (3) If such other person referred to in subsection (1) fails to give such account under subsection (2), he commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years or to both such fine and imprisonment.
- (4) For the purposes of this section, the possession of agricultural produce or livestock by a driver, carrier, agent or servant shall be deemed to be the possession of such agricultural produce or livestock by the person who employed the driver, carrier, agent or servant to convey the agricultural produce or livestock suspected of having been unlawfully obtained.

17. In addition to any other order that a magistrate may be authorized to make under this Act, a magistrate may, at any time before or during the hearing of a matter under this Act, make any one or more of the following orders-

- (a) that agricultural produce or livestock which is alleged to have been unlawfully obtained be delivered to the person who claims to be entitled thereto subject to the provision by such person of such security by way of bond as the magistrate may order; or
- (b) That any agricultural produce or livestock which is alleged to have been unlawfully obtained be sold and that any proceeds which may be realized by the sale of such agricultural produce or livestock be paid into Consolidated Fund.

Tracing
possession

Orders before
conviction