

shall be lawful for the said Justices to commit the offender, by warrant under their hands and seals, to imprisonment with or without hard labour, for a term of not more than thirty days, the imprisonment in any case to cease on payment of the sum due; and the costs for the recovery thereof shall be paid to the party entitled to receive the same; the amount of amends shall be paid to the party aggrieved; or, where such amount cannot be so appropriated, the same shall, together with all penalties awarded under this Law, be paid into the Treasury.

Costs.

27. The Justices hearing and determining any complaint under this Law may, in their discretion, allow costs, and enforce payment thereof in the same manner as penalties are by this Law directed to be recovered.

Within what time prosecutions to commence.

28. The prosecution for every offence punishable on summary conviction by this Law shall be commenced within three calendar months after the commission of the offence, and not otherwise.

When Justices may abstain from adjudicating.

29. In case the Justices find any misdemeanour complained of under this Law to have been accompanied by any felonious intent, or otherwise in their discretion consider the same ought to be prosecuted by indictment they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if this Law had not been passed.

THE LAWS

OF

THE CAYMAN ISLANDS

IN FORCE ON

THE 31st DAY OF DECEMBER, 1963

REVISED EDITION

CHAPTER 169

THE TOWNS AND COMMUNITIES LAW

To be obtained from the Clerk of the Courts, Courts Office, Grand Cayman,
Cayman Islands, West Indies.

liable for the offence; and the evidence of the person aggrieved shall be admitted in proof of the offence:

Provided always, that, if the person aggrieved was the only witness examined in proof of the offence, the sum ordered as amends shall be paid and applied in the same manner as the penalty.

24. For every misdemeanour, or other offence against this Law, for which no special penalty is hereinbefore appointed, the offender shall, at the discretion of the Justices before whom the conviction takes place, either be liable to a penalty not exceeding five pounds, or be imprisoned for a period not exceeding one month:

Offence where no special penalty provided.

Provided always, that nothing herein contained shall be construed to prevent any person from being indicted for any indictable offence made punishable on summary conviction by this Law or to prevent any person from being liable under any other Law or Laws to any other penalty or punishment than is provided for such offence by this Law, so nevertheless that no person be punished twice for the same offence.

25. On any information or complaint made before any Justice on the oath of any credible witness or informer, the Justice may summon the person charged to appear before any two Justices at a reasonable time and place, to be mentioned in the summons, to answer such charge; and if such person does not appear, the Justices may either proceed to hear and determine the case *ex parte*, or may issue their warrant for the apprehension of the offender; or the Justice may, in the first instance, in his discretion, issue a warrant without any previous summons.

Summons to party charged.

26. In any case of adjudication of a pecuniary penalty or amends under this Law, and non-payment thereof, either forthwith or within such time as is allowed by the convicting Justice, not exceeding thirty days (and if the said Justices give time for such payment, they shall require the defendant to give security to the satisfaction of the said Justices to an amount double the amount of penalty or amends, and costs, for his appearance at the expiration of such time at the place where the Justices hold their Courts then and there to abide the further judgment of the law on non-payment of the amount; and such Justices are hereby empowered to take such security by way of recognizance, which said recognizance, if forfeited, shall be estreated in like manner as any other estreated recognizance), it

Default in payment of penalty, etc.

commit such persons, and sentence them to imprisonment with hard labour, for a period not exceeding sixty days:

Provided, that it shall not be necessary to prove, in order to convict such persons or any of them, that they, or any of them, were playing for any money, wager, or stake.

Constables may apprehend on view.

20. Any constable, and all persons whom he calls to his assistance, may take into custody without a warrant any person who, within view of any such constable, offends in any manner against this Law, and whose name and residence are unknown to such constable, and cannot by enquiry be ascertained by such constable, but not otherwise, except as to the offences mentioned in section 3.

Parties apprehended must be taken before Justice, etc.

21. Every person taken into custody in the day time for offences under the provisions of this Law without warrant shall be forthwith taken before some Justice, or, if after the hour of six o'clock in the evening, shall be delivered into the custody of the sergeant or constable in charge of the nearest police station, in order that such person may be secured until he can be brought before a Justice to be dealt with according to law, or shall give bail for his appearance before a Justice.

Horse or carriage in charge of person apprehended to be taken care of.

22. Whenever any person having charge of any carriage or horse, or any other animal, or goods or chattels, is taken into the custody of any constable under the provisions of this Law, any constable may take charge of such carriage or horse, or such other animal, or goods or chattels and may deposit the same in some place of safe custody until application is made for the same by the owners thereof, or their authorized agents, or until the offender is discharged from custody on bail or otherwise; to be delivered to the party entitled to the same, on payment of all expenses incurred by the keep of such carriage or horse, or other animal.

Person causing hurt or damage while committing offence.

23. Every person who by committing any offence herein forbidden, has caused any hurt or damage to any person or property, who does not upon demand make amends for such hurt or damage to the satisfaction of the person aggrieved, shall, upon conviction for the offence, pay such a sum not exceeding ten pounds as appears to the Justices before whom he is convicted to be reasonable amends to the person aggrieved, besides any penalty to which he may be

CHAPTER 169

THE TOWNS AND COMMUNITIES LAW

ARRANGEMENT OF SECTIONS

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19. Power to two Justices to hear and determine charge.
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23. Offence where no special penalty provided.
25. Summons to party charged.
26. Default in payment of penalty, etc.
27. Costs.
28. Within what time prosecutions to commence.
29. When Justices may abstain from adjudicating.

16. Any Justice, on complaint of any constable or other person, that any house, room, shop, or place in the Islands is a place of common resort for idle and disorderly persons, may order such house, room, shop, or place to be entered by any constable; and such constable may take into custody any person or persons gambling in such house, room, or place, and carry him or them before any Justice, who shall hold such person or persons to bail to appear and answer any charge touching such offence that may be brought against him or them; and in default of security, shall commit such person or persons to the common goal, there to remain until he can be brought before the Justices in Petty Sessions for trial.

Power to Justice to order disorderly house to be entered.

17. Any constable may take into custody any idle and disorderly persons who are, at any time, found assembled in any thoroughfare, street, lane, or public place, or in front, or about, or in the neighbourhood of any house, wharf, tavern, or other premises, or in any street or other public place in any town in the Islands and who, upon being desired by such constable to retire or disperse, and leave the place in which they have so assembled, refuse or neglect immediately to do so, and may carry such persons, or any of them, before any Justice who shall hold them or any of them to bail, to appear and answer any charge touching such offence that may be brought against them; and in default of security, he shall remand such persons in custody until they can be brought before the Justices in Petty Sessions for trial.

Idle and disorderly persons assembled in public places.

18. Any two Justices in Petty Session assembled, may hear and determine complaints against parties who have been held to bail or remanded as aforesaid; and upon its being proved to their satisfaction that the parties apprehended as aforesaid are known to be loose and idle, or disorderly persons, and without any visible means of subsistence, may either call upon such persons to find sureties for their good behaviour for three calendar months, in such sum or sums as they may deem sufficient, or order that such persons be imprisoned with or without hard labour for a period not exceeding thirty days.

Power to two Justices to hear and determine charge.

19. Any two Justices in Petty Session assembled, may hear and determine any complaints against the persons offending as aforesaid against the provisions of sections 16 and 17 and upon proof to their satisfaction that such persons, or any of them, were engaged in gambling, or were assembled for the purpose of gambling, may

Power to two Justices to hear and determine charge.

reasonable cause, shall be liable on summary conviction to a penalty not exceeding forty shillings and in default of payment thereof to imprisonment for a period not exceeding one month.

(2) The occupier of any premises upon which any contravention of subsection (1) takes place shall be guilty of an offence against this section unless he proves affirmatively either—

- (a) that he was not present upon the premises at the time of the contravention; or
- (b) that he took all reasonable steps to prevent the contravention of subsection (1),

and on summary conviction thereof shall be liable to a fine not exceeding forty shillings and in default of payment thereof to imprisonment for a term not exceeding one month.

(3) No prosecution under this section shall be commenced against any person without the written consent being first had and obtained of the Clerk of the Court.

Discharging
cannon in
town.

13. Every person other than a person acting in obedience to lawful authority who discharges any cannon, or other firearm of greater calibre than a common fowlingpiece, within five hundred yards of any dwelling-house within any town, to the annoyance of any inhabitant thereof, and every person who, after being warned of the annoyance by an inhabitant, discharges any such firearms, shall be liable to a penalty not exceeding five pounds.

Street
musicians,
etc.

14. Any householder, personally, or by his servant, or by any constable may require any street-musician, juggler, dancer, actor, or showman, to depart from the neighbourhood of the house of such householder; and every person who sounds or plays upon any musical instrument, or makes any other noise or disturbance in any thoroughfare near any house, after being so required to depart, shall be liable to a penalty not exceeding forty shillings.

Mad dogs.

15. Any constable may destroy any dog or other animal reasonably suspected to be in a rabid state, or which has been bitten by any dog or animal reasonably suspected to be in a rabid state; and the owner of any such dog or animal who permits the same to go at large after having information or reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state, shall be liable to a penalty not exceeding five pounds.

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Cap. 384

THE TOWNS AND COMMUNITIES LAW

[1843]

1. This Law may be cited as the Towns and Communities Law. Short title.

2. In this Law—
“carriage” means any waggon, wain, sledge, truck, cart, dray, carriage, chaise, or any other description of wheel carriage drawn by horse, cattle, or any kind of animals, or without animals;
“town” includes all cities and villages;
“public place” in section 11 shall include and apply to every road, street, footpath, footway, court, square, lane, alley, or thoroughfare of a public nature opened to or used by the public as of right, and to every place of public resort so opened or used.
The words “public place” also include any—
public building, park, garden, reserve, or other place of public recreation or resort;
public wharf, pier or jetty;
passenger ship, or boat plying for hire;
church, chapel, or other building where divine service is being publicly held;
public hall, theatre or room in which any entertainment is being held or performed;
market;
open bar in any premises licensed under the Laws regulating the sale of spirits;
auction room, or place, while a sale by auction is then proceeding;
race course, cricket ground, or other such place, to which the public have access free, or on payment of any entrance money.

Interpreta-
tion.

3. Every person who—
(a) in any thoroughfare in any town, or on any highway, feeds or fodders any horse or other animal, or shows any caravan containing any animal, or any other show or public enter-

What not to
be done in
thorough-
fares or
highways.

- tainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or exercises, trains, or breaks any horse or animal, or cleans, makes, or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary;
- (b) in any thoroughfare in any town, turns loose any horse or cattle, or suffers to be at large any unmuzzled ferocious dog, or in any place wilfully sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal;
 - (c) by negligence or ill-usage in driving cattle or any other animal, causes any mischief to be done by such cattle or other animal to any person or property; or who, in the driving, care, or management of such cattle or other animal, wantonly or unnecessarily impedes or obstructs the free passage of any person along any thoroughfare or highway; and also every person, not being hired or employed to drive such cattle or other animal, who wantonly and unlawfully pelts, drives, or hunts, or injures, or hurts, any such cattle or other animal;
 - (d) having the care of any cart or carriage, rides on any part thereof, or on the shaft thereof, or on any horse or other animal drawing the same, without having and holding the reins, or who is at such a distance from such cart or carriage as not to have the complete control over every horse or other animal drawing the same;
 - (e) in any thoroughfare in any town, rides or drives furiously, or on any thoroughfare or highway rides or drives so as to endanger the life or limb of any person, or to the common danger of the passengers therein;
 - (f) in any thoroughfare causes any carriage, with or without horses or other animals, to stand longer than may be necessary for loading or unloading, or for taking up or setting down passengers, excepting carriages standing for hire in any place allowed by competent authority; or by means of any carriage, or any horse or other animal, wilfully interrupts any public crossing or wilfully causes any obstruction in any thoroughfare or highway;
 - (g) leads or rides any horse or other animal, or draws or drives any carriage upon any footway, or fastens any horse or other animal so that it may stand across, or upon, or impede any

- (b) every person who, in any thoroughfare or public place, indecently exposes his or her person;
- (c) every person who makes on any fence, wall or other building, any obscene figure, drawing, painting, or representation, or sings any profane, indecent, or obscene song or ballad, or writes or draws any indecent or obscene word, figure, or representation, or uses any profane, indecent or obscene language publicly;
- (d) every person who, in any thoroughfare, while drunk, is guilty of any riotous or indecent behaviour in any public place;
- (e) every person, who, in any town, is found drunk, lying about the streets or other public places therein, or in any piazza, open or enclosed.

See
Obscene
Publications
(Suppres-
sion) Law.
Cap. 114

10. Every Justice before whom any person is convicted of the offences enumerated in section 9 shall sign the record of such conviction which shall be kept by the proper officer among the records of the Court; and, upon any information against any person for a subsequent offence, committed as hereinbefore mentioned, such conviction, or an examined copy thereof, certified by the Clerk of the Court, shall be sufficient evidence to prove a conviction for the former offence; and the conviction shall be presumed to have been unappealed against, until the contrary be shown.

Conviction
to be kept
among
records of
Court.

11. Every person who, in any town, or in any public place, conducts himself in a noisy and disorderly manner, to the disturbance of peace and good order, or to the annoyance, discomfort, or obstruction of members of the public, shall be deemed violators of the public peace, and on conviction shall be liable to a penalty not exceeding forty shillings, or to imprisonment for a period not exceeding thirty days, or in default of payment of any pecuniary penalty to imprisonment with or without hard labour for a period not exceeding thirty days.

Noisy and
disorderly
conduct in
public
places.

12. (1) Every person who between the hours of 9.30 p.m. and 6 a.m. sounds or plays upon any musical or noisy instrument, or sings or makes any noise whatsoever in any town, or district, after having been required by any person resident in such town, or district, or by any constable, to desist from making such sounds or noises, either on account of the illness of any person, or because such sounds or noises are audible beyond a distance of two chains, or for any

Penalty for
failure to
desist from
making
noises in
certain
circum-
stances.

Law 4/1963

Negligent use of fire.

Disturbing public worship.

Penalty.

Riotous behaviour in public place while drunk.

Drunk and disorderly persons may be apprehended.

Persons found drunk in streets.

Offences which upon second conviction may be visited with increase of punishment.

to prevent noise, or accident in repairing any building, provided the same be removed as soon as the occasion ceases;

- (g) by the negligent use or management of fire in improper places, damages any property, or injures any person;
- (h) wilfully disturbs any meeting or assembly, or any congregation assembled for religious worship, or for any religious service or rite in any burial ground, or disturbs or molests any person thereat,

shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

6. Every person who, in any thoroughfare, while drunk, is guilty of any riotous or indecent behaviour in any public place, shall be liable on summary conviction to a penalty not exceeding sixty shillings for every such offence, or to imprisonment for a term not exceeding ten days.

7. (1) Any constable may take into custody, without a warrant, all drunken, loose, and disorderly persons whom he finds disturbing the public peace, or disturbing any inhabitant or passenger, and all persons whom he finds between the hours of nine at night and six in the morning lying or loitering in any highway, piazza, or other open place, and not giving a satisfactory account of themselves.

(2) All such persons shall be guilty of an offence against this Law.

8. Every person who, in any town, is found drunk lying about the streets or other public places therein, or in any piazza, open or enclosed, shall be deemed to have committed an offence, and shall on conviction, be liable to a fine not exceeding forty shillings; and, in default of payment, to imprisonment for not more than ten days.

9. Every person who commits any of the following offences shall be liable upon a second or any subsequent summary conviction to a penalty not exceeding sixty shillings; or to imprisonment with or without hard labour, for a period not exceeding thirty days—

- (a) every person who, in any thoroughfare, or in any town, rides or drives furiously, or, in any thoroughfare or highway, rides or drives so as to endanger the life or limb of any person, or to the common danger of the passengers therein;

footway; and every person who, along any thoroughfare or highway, in, or on any carriage, carries or conveys any timber, lumber, iron, or thing made of any material whatsoever in such manner as that the same or any part thereof extends across the carriage two feet beyond the wheels;

- (h) rolls or carries any cask, tub, hoop, or wheel or any ladder, plank, pole, or placard upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway, or for the performance of any immediate or indispensable work, or for the repair of any building otherwise than under the regulations hereinafter mentioned;
- (i) after being made acquainted with the regulations or directions made by competent authority for regulating the route of horses, carriages and persons during the time of divine service, or at any other time, through any of the towns of the Islands, wilfully disregards or fails to conform himself thereunto;
- (j) without the consent of the owner or occupier affixes any bill or other paper against or upon any building, wall, fence, or pale, or writes upon, soils, defaces, or marks any such building, wall, fence, or pale in any other way whatsoever;
- (k) in any thoroughfare or public place, indecently exposes his or her person;
- (l) marks on any fence, wall or any building, any obscene figure, drawing, painting or representation, or sings any profane, indecent or obscene song or ballad, or writes or draws any indecent or obscene word, figure, or representation, or uses any profane, indecent or obscene language;
- (m) uses any threatening, or abusive and calumnious language to any other person publicly, as tends to provoke a breach of the peace; or uses such language, accompanied by such behaviour to any person publicly, as tends to a breach of the peace;
- (n) except in the performance of a duty legally imposed on such person, or for the purpose of giving an alarm of fire, or as a warning to passengers in dangerous or narrow roads, blows any horn or shall, or uses any other noisy instrument, or beats any drum in any public squares, streets, or lanes of any town in the Islands;
- (o) in the streets, lanes, or squares of any town or in any thoroughfare or highway, wantonly discharges any fire-arms, or makes any bonfire or throws or sets fire to any firework; or who, to

S4. Law 3/1927

the danger and annoyance of any passenger or inhabitant, throws or discharges any stone or other missile, or who flies any kite, or plays any game;

- (p) wilfully and wantonly disturbs any inhabitant by pulling or ringing any door-bell, or knocking at any door, without lawful excuse, or who wilfully and unlawfully extinguishes the light of any lamp, or unlawfully enters into any dwelling-house, building, or premises to the annoyance of any person therein;
- (q) in any thoroughfare in any town, or in any highway, tyres any wheel, or burns, dresses, or cleanses any hoop, or cleanses, fires, washes, or scalds any cask or tub, or wilfully makes any fire on or in any prohibited place;
- (r) burns any wood, shavings, rubbish, or sweepings, or throws or lays any dirt, litter, ashes, or any carrion, fish, offal, rubbish, or broken bottles, in any street, lane or road;
- (s) loiters in any public place and solicits any person for the purpose of prostitution,

shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings.

Constable may apprehend parties offending on view, etc.

4. Any constable may take into custody, without warrant, any person who commits any of the offences hereinbefore mentioned within view of any such constable; and in like manner, when the offender is unknown, without warrant may take into custody any such offender who is charged by any other credible person with recently committing any of the said offences, though not committed within view of such constable, but within view of the person making such charge.

5. Every person who—

- (a) in any highway or thoroughfare in any town, to the annoyance of the inhabitants or passengers, exposes for sale or shows, except in a market or place lawfully appointed for that purpose, any goods, wares, and merchandise, or any animal; or cleans or dresses any animal; or hews, saws, bores or cuts any timber or stone; or slacks, sifts, or screens any lime; or makes or dresses up or paints any article or material; or washes or cleanses any utensil whatsoever; or washes, or hangs up, or spreads any clothes or linen; provided a complaint be made by any inhabitant residing near the place where the offence is committed;

Exposing goods for sale in thoroughfares, etc.

- (b) throws or lays in any thoroughfare any coals, stones, slates, shells, lime, bricks, timber, iron, or other materials (except building materials, or rubbish thereby occasioned, which shall be placed or enclosed so as to prevent any mischief happening to passengers); Laying timber, etc., in thoroughfares.
- (c) in any thoroughfare, beats or shakes any carpet, rug, or mat (except door mats, before the hour of eight in the morning), or causes any offensive matter to run from any manufactory, slaughter-house, butcher's yard, or dunghill, into any thoroughfare, or any uncovered place, whether or not surrounded by a wall or fence; but it shall not be deemed an offence to lay sand, litter, or other materials in any thoroughfare in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases; Beating mats in thoroughfares.
- (d) empties, or begins to empty, any privy between the hours of four in the morning and ten at night, or removes along any thoroughfare any night soil or other offensive matter between the hours of four in the morning and ten in the evening, or who wilfully or carelessly slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, slopped, or spilled; or discharges, or allows to run from their premises any putrid or noxious water, or other offensive matter or thing whatsoever, into any street, lane, or thoroughfare, or into any other place or premises in the occupation of any other person; Emptying privies at improper hours, etc.
- (e) keeps any pigsty to the front of any thoroughfare within any town, not being shut out from such thoroughfare by a sufficient wall or fence, or who keeps any swine in or near any street, or in any dwelling, so as to be a common nuisance; Pigsties.
- (f) exposes anything for sale in any private piazza or public place, unless with the consent of the owner or other person authorized to give such consent, or upon, or so as to hang over, any carriageway or footway, or on the outside of any house or shop, or who sets up, or continues any pole, blind, awning, line, or any other projection from any window, parapet, or other part of any house, shop, or other building so as to cause any annoyance or obstruction to the inhabitants or passengers in any thoroughfare, except in case of sickness

Exposing goods for sale on piazzas without owner's consent, etc.