

THE LARCENY ACT

ARRANGEMENT OF SECTIONS

1. Short title.

PART I. *Interpretation*

2. Interpretation.
3. Definitions.
4. Offensive weapons.

PART II. *Indictable Offences*

5. Simple larceny.
6. Larceny of cattle.
7. Killing animals with intent to steal.
8. Larceny, etc., of dogs.
9. Larceny of wills.
10. Larceny of documents of title to land, etc.
11. Taking, destroying, etc., documents for a fraudulent purpose.
12. Damaging fixtures with intent to steal.
13. Praedial larceny.
14. Larceny of goods in process of manufacture.
15. Abstracting electricity.
16. Larceny, etc., of ore from mines, etc.
17. Larceny of postal articles.
18. Larceny in dwelling-houses.
19. Larceny from the person.
20. Larceny from ships, docks, etc.
21. Larceny by tenants or lodgers.
22. Larceny and embezzlement by clerks or servants.
23. Stealing or embezzlement by officer of Post Office.
24. Conversion.
25. Conversion by trustee.

26. Factors obtaining advances on the property of their principals.
27. Frauds by director, etc.
28. Fraudulently inducing persons to invest money.
29. Falsification of accounts.
30. Falsification of account books of a bank, etc.
31. Clerks, etc., making out false dividend warrants.
32. Personating the owner of stock.
33. Personation with intent to obtain land, etc.
34. Falsely acknowledging bail, etc.
35. False pretences.
36. Obtaining credit by fraud.
37. Robbery.
38. Sacrilege.
39. Burglary.
40. House-breaking and committing felony.
41. House-breaking with intent to commit felony.
42. Being found by night armed or in possession of house-breaking implements.
- 42A. Extortion.
43. [*Repealed by Act 29 of 2005.*]
44. [*Repealed by Act 29 of 2005.*]
45. [*Repealed by Act 29 of 2005.*]
46. Receiving.
47. Corruptly taking a reward.

PART III. Summary Offences

48. Larceny, etc., of dogs, etc., punishable summarily.
49. Taking or destroying fish.
50. Taking animal without consent of owner.
51. Stealing, etc., fences, etc.
52. Offering for sale, etc., wrecked goods.
53. Praedial larceny triable summarily.
54. Advertising reward for return of stolen property.
55. Larceny under ten thousand dollars triable summarily.
56. Summary punishment for receiving.

PART IV. *General*

57. Accessories and abettors.
58. Husband and wife.
59. General deficiency.
60. Punishments.
61. Procedure.
62. Arrest without warrant.
63. Search warrants.
64. Evidence.
65. Verdict.
66. Restitution.
67. Civil liability for untrue statements.
68. Offences punishable on summary conviction.

Cap. 212
Acts
42 of 1963
S. 2.
7 of 1965
14th Sch.,
1 of 1967,
39 of 1967,
9 of 1972
Sch.,
17 of 1982
3rd Sch.,
11 of 2000,
29 of 2005,
4 of 2013.

THE LARCENY ACT

[15th June, 1942.]

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

Short title.

PART I. *Interpretation*

- 2.—(1) In this Act—

Interpreta-tion.

“document of title to goods” includes any bill of lading, India warrant, dock warrant, warehouse-keeper’s certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to;

“document of title to lands” includes any Crown grant, certificate of title, instrument, deed, map, roll, register, paper, or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title or any part of the title, to any real estate or to any interest in or out of any real estate;

“mail bag”, “officer of the Post Office”, “postal article”, “post office”, and “in course of transmission by post”, have the same meanings in this Act as in the Post Office Act;

“night” means the interval between seven o’clock in the evening and six o’clock in the morning of the next succeeding day;

“property” includes any description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and also includes not only such property as has been 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 such conversion or exchange, whether immediately or otherwise;

“trustee” means a trustee on some express trust created by some deed, will, or instrument in writing, and includes the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust has devolved or come, and also an executor and administrator, and an official receiver, assignee, liquidator, or other like officer acting under any enactment relating to joint stock companies or to bankruptcy;

“valuable security” includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any Commonwealth country, or of any foreign state, or in any stock, annuity, fund, or debt of any body corporate, company, or society, whether within or without any Commonwealth country, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order, or other security for payment of money or any accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal, and any document of title to lands or goods as in this section defined.

(2) “Dwelling-house” does not include a building, although within the same cartilage with any dwelling-house

and occupied therewith, unless there is a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from one to the other.

3. For the purposes of this Act--

Definitions.

(1) a person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof:

Provided that a person may be guilty of stealing any such thing notwithstanding that he has lawful possession thereof, if, being a bailee or part owner thereof, he fraudulently converts it to his own use or to the use of any person other than the owner;

- (2) (i) "takes" includes obtaining the possession—
(a) by any trick;
(b) by intimidation;
(c) under a mistake on the part of the owner with knowledge on the part of the taker that possession has been so obtained;
(d) by finding, where at the time of the finding the finder believes that the owner may be discovered by taking reasonable steps;
- (ii) "carries away" includes removal of anything from the place which it occupies, but, in the case of a thing attached, only if it has been completely detached;
- (iii) "owner" includes any part owner, or person having possession or control of, or a special property in, anything capable of being stolen;

- (3) everything which has value and is the property of any person, and, if adhering to the realty, then after severance therefrom, shall be capable of being stolen:

Provided that—

- (a) save as hereinafter expressly provided with respect to fixtures, growing things, ore from mines, and mineral oils, anything attached to or forming part of the realty shall not be capable of being stolen by the person who severs it from the realty, unless after severance he has abandoned possession thereof; and
- (b) the carcase of a creature wild by nature and not reduced into possession while living shall not be capable of being stolen by the person who has killed such creature, unless after killing it he has abandoned possession of the carcase.

Offensive weapons.

1/1967
S. 53
3rd Sch.

4.—(1) A firearm or imitation firearm shall notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purposes of paragraph (a) of subsection (1) of section 37 and paragraph (1) of section 42.

(2) In this section—

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged;

“imitation firearm” means anything which has the appearance of being a firearm whether it is capable of discharging any shot, bullet or missile or not.

PART II. *Indictable Offences*

5. Stealing for which no special punishment is provided under this or any other enactment for the time being in force shall be simple larceny and a felony punishable with imprisonment with hard labour for any term not exceeding five years.

6.—(1) Every person who steals any cattle shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(2) In this section, the term “cattle” includes horses, asses, mules, kine, sheep, goats, and swine, as well as all horned cattle.

7. Every person who wilfully kills any animal with intent to steal the carcase, skin, or any part, of the animal killed, shall be guilty of felony, and on conviction thereof liable to the same punishment as if he had stolen such animal, if the offence of stealing the animal so killed would have amounted to felony.

8. Every person who—

- (a) steals any dog after a previous summary conviction of any such offence; or
- (b) unlawfully has in his possession or on his premises any stolen dog, or the skin thereof, knowing such dog or skin to have been stolen, after a previous summary conviction of any such offence; or
- (c) corruptly takes any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any stolen dog, or any dog which is in the possession of any person not being the owner thereof,

17/1982
3rd. Sch.

shall be guilty of felony, and on conviction thereof shall be liable to imprisonment for a term not exceeding five years.

Larceny of
wills.

9. Every person who steals the whole or any part of any will, codicil, or other testamentary instrument, either of a dead or of a living person, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

Larceny of
documents
of title to
land, etc.

10. Every person who steals the whole or any part of—

- (a) any document of title to lands; or
- (b) any record, writ, return, panel, petition, process, interrogatory, deposition, affidavit, rule, order, warrant of attorney, or any original document of or belonging to any Court of Record, or relating to any cause or matter, civil or criminal, begun, depending, or terminated, in any such Court; or
- (c) any original document relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any Court of Justice, or in any Government building or public office,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

Taking,
destroying,
etc., docu-
ments for a
fraudulent
purpose.

11. Every person who, for any fraudulent purpose, takes and carries away, destroys, damages, or obliterates, the whole or any part of—

- (a) any will, codicil, or other testamentary instrument, either of a dead or living person;
- (b) any valuable security;
- (c) any record, writ, return, panel, petition, process, interrogatory, deposition, affidavit, rule, order,

warrant of attorney, or any original document of or belonging to any Court of Record, or relating to any cause or matter, civil or criminal, begun, depending, or terminated, in any such Court; or

- (d) any original document relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any Court of Justice, or in any Government building or public office,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding three years.

12. Every person who steals, or, with intent to steal, rips, cuts, severs, or breaks—

Damaging fixtures with intent to steal.

- (a) any glass or woodwork belonging to any building; or
- (b) any metal or utensil or fixture fixed in or to any building; or
- (c) anything made of metal fixed in any land being private property, or as a fence to any dwelling-house, garden, or area, or in any square or street, or in any place dedicated to public use or ornament, or in any burial ground,

shall be guilty of felony, and on conviction thereof liable to be punished as is the case of simple larceny.

13. Every person who steals, or, with intent to steal, cuts, breaks, roots up, or otherwise destroys or damages, the whole or any part of any tree, sapling, shrub, underwood, plant, root, fruit or vegetable production growing in any place whatsoever shall be guilty of felony, and on conviction thereof is liable to be punished as in the case of simple larceny.

Praedial larceny.

4/2013
S. 2.

Larceny of
goods in
process of
manufacture.

14. Every person who steals, to the value of one dollar, any goods, articles, or produce, at any stage in the process of manufacture shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Abstracting
electricity.

15. Every person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses, any electricity shall be guilty of felony, and on conviction thereof liable to be punished as in the case of simple larceny.

Larceny,
etc., of ore
from
mines, etc.

16. Every person who steals, or severs with intent to steal, the ore of any metal, or any coal from any mine, bed, or vein thereof, or steals mineral oil from any stratum, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding two years.

Larceny, of
postal
articles.

17. Every person who—

- (a) steals a mail bag; or
- (b) steals from a mail bag, post office, officer of the Post Office, or mail, any postal article in course of transmission by post; or
- (c) steals any chattel, money, or valuable security, out of a postal article in course of transmission by post; or
- (d) stops any person, vehicle, ship or aeroplane with intent to rob the mail,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

Larceny in
dwelling-
houses.

18. Every person who steals in any dwelling-house any chattel, money, or valuable security, shall—

- (a) if the value of the property stolen amounts to ten dollars; or
- (b) if he by any menace or threat puts any person being in such dwelling-house in bodily fear,
be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

19. Every person who steals any chattels, money, or valuable security, from the person of another shall be guilty Larceny
from the
person. of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

20. Every person who steals—

- (a) any goods in any vessel, barge, or boat of any description whatsoever, within the territorial waters surrounding the Island, or upon any navigable river or canal or in any creek or basin within the Island; or
- (b) any goods from any dock, wharf, *embarcadere*, jetty, or quay, within the Island; or
- (c) any part of any vessel in distress, wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such vessel,

Larceny
from ships,
docks, etc.

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

21. Every person who, being a tenant or lodger, or the husband or wife of any tenant or lodger, steals any chattel or fixture let to be used by such person in or with any house or lodging, shall be guilty of felony, and on conviction thereof liable Larceny by
tenants or
lodgers.

- (a) if the value of such chattel or fixture exceeds the sum of ten dollars, to imprisonment with hard labour for any term not exceeding five years;
- (b) in all other cases, to imprisonment with hard labour for any term not exceeding two years.

Larceny and
embezzle-
ment by
clerks or
servants.

22. Every person who—

- (1) being a clerk or servant or person employed in the capacity of a clerk or servant—
 - (a) steals any chattel, money, or valuable security belonging to or in the possession or power of his master or employer; or
 - (b) fraudulently embezzles the whole or any part of 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;
- (2) being employed in the public service of Her Majesty or being a member of or employed in the Jamaica Constabulary Force—
 - (a) steals any chattel, money, or valuable security belonging to or in the possession of Her Majesty or entrusted to or received or taken into possession by such person by virtue of his employment; or
 - (b) embezzles or in any manner fraudulently applies or disposes of for any purpose whatsoever except for the public service any chattel, money, or valuable security, entrusted to or received or taken into possession by him by virtue of his employment,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

23. Every person who, being an officer of the Post Office department or employed therein, steals or embezzles a postal article in course of transmission by post, shall be guilty of felony, and on conviction thereof liable—

Stealing or
embezzle-
ment by
officer of
Post Office.

- (a) if the postal article contains any chattel, money, or valuable security, to imprisonment with hard labour for any term not exceeding ten years;
- (b) in all other cases, to imprisonment with hard labour for any term not exceeding seven years.

24.—(1) Every person who—

Conversion.

- (i) being entrusted either solely or jointly with any other person with any power of attorney for the sale or transfer of any property, fraudulently sells, transfers, or otherwise converts the property or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted; or
- (ii) being a director, member, or officer, of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company; or
- (iii) (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 thereof 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,

fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof, shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

(2) Nothing in paragraph (ii) of subsection (1) shall apply to or affect any trustee under any express trust created by a deed or will, or any mortgagee of any property, real or personal, 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.

Conversion
by trustee.

25. Every person who, being a trustee of any property for the use or benefit either wholly or partially of some other person, or for any public or charitable purpose, with intent to defraud, converts or appropriates it or any part thereof to or for his own use or benefit, or the use or benefit of any person other than the person entitled thereto, or for any purpose other than such public or charitable purpose, or otherwise disposes of or destroys such property or any part thereof, shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years :

Provided that no prosecution for any offence included in this section shall be commenced—

- (a) by any person without the sanction of the Director of Public Prosecutions;
- (b) by any person who has taken any civil proceedings against such trustee, without the sanction also of the court or Judge before whom such civil proceedings were heard or are pending.

26.—(1) Every person who, being a factor or agent entrusted either solely or jointly with any other person for the purpose of sale or otherwise with the possession of any goods or of any document of title to goods, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so entrusted, and in violation of good faith—

Factors
obtaining
advances on
the property
of their
principals.

- (i) consigns, deposits, transfers, or delivers, any goods or document of title so entrusted to him as and by way of a pledge, lien, or security, for any money or valuable security borrowed or received, or intended to be borrowed or received, by him; or
- (ii) accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer or deliver any such goods or document of title,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years :

Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering, any such goods or documents of title, where they are not made a security for or subject to the payment of any greater sum of money than the amount which, at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal and accepted by such factor or agent.

(2) (a) Any factor or agent in possession of any goods or any document of title to goods entrusted to him for the purposes set out in subsection (1) shall be deemed—

- (i) to have been entrusted with the possession of the goods represented by such document of title;
- (ii) for the purposes of this section, to have been entrusted with such goods or document of title to goods by the owner thereof, unless the contrary is shown in evidence.

(b) Every contract pledging or giving a lien upon such document of title shall be deemed to be a pledge of and lien upon the goods to which it relates.

(c) Any such factor or agent shall be deemed to be in possession of such goods or documents whether they are in his actual custody or are held by any other person subject to his control, or for him or in his behalf.

(d) Where any loan or advance is made in good faith to any factor or agent entrusted with and in possession of any such goods or documents of title on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such goods or documents of title, and such goods or documents of title are actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or documents of title and within the meaning of this section, though such goods or documents of title are not actually received by the person making such loan or advance till the period subsequent thereto.

(e) Any payment made whether by money or bill of exchange or other negotiable security shall be deemed to be an advance within the meaning of this section.

(f) Any contract or agreement whether made direct with such factor or agent or with any person on his behalf shall be deemed to be a contract or agreement with such factor or agent.

27. Every person who—Frauds by
director, etc.

- (1) being a director, public officer, or manager, of any body corporate or public company—
 - (a) as such, receives or possesses himself of any property of such body corporate or public company and, with intent to defraud, omits to make, or cause to be made, a full and true entry thereof in the books and accounts of such body corporate or public company;
 - (b) makes, circulates, or publishes, or concurs in making, circulating, or publishing, any written statement or account which he knows to be false in any material particular—
 - (i) with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company; or
 - (ii) with intent to induce any person to become a shareholder or partner therein or to entrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof;
- (2) being a director, public officer, manager, or member, of any body corporate or public company with intent to defraud—
 - (a) destroys, alters, mutilates, or falsifies, any book, paper, writing or valuable security, belonging to such body corporate or public company;
 - (b) makes or concurs in the making of any false entry, or omits or concurs in omitting any

material particular, in any book of account or other document,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Fraudu-
lently in-
ducing per-
sons to in-
vest money.

7/1965
14th Sch.

28.—(1) Every person who, by any statement, promise or forecast which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts, or by the reckless making of any statement, promise or forecast which is misleading, false or deceptive, induces or attempts to induce another person—

(a) to enter into or offer to enter into—

- (i) any agreement for, or with a view to, acquiring, disposing of, subscribing for or underwriting securities or lending or depositing money to or with any industrial and provident society, co-operative society or building society; or
- (ii) any agreement the purpose or pretended purpose of which is to secure a profit to any of the parties from the yield of securities or by reference to fluctuations in the value of securities; or

(b) to acquire or offer to acquire any right or interest under any arrangements the purpose or effect, or pretended purpose or effect, of which is to provide facilities for the participation by persons in profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of any property other than securities; or

(c) to enter into or offer to enter into an agreement the purpose or pretended purpose of which is to secure a profit to any of the parties by reference to

fluctuations in the value of any property other than securities,

shall be guilty of a misdemeanour, and liable on conviction thereof to imprisonment with hard labour for a term not exceeding seven years.

(2) In this section—

- (a) “building society” means a society registered under the Building Societies Act;
- (b) “co-operative society” means a co-operative society registered under the Co-operative Societies Act;
- (c) “corporation” means any body corporate, incorporated whether in Jamaica or elsewhere;
- (d) “debentures” means any debentures, debenture stock or bonds of a corporation, whether constituting a charge on the assets of the corporation or not;
- (e) “industrial and provident society” means an industrial and provident society registered under the Industrial and Provident Societies Act;
- (f) “securities” means—
 - (i) shares or debentures, or rights or interests (described whether as units or otherwise) in any shares or debentures; or
 - (ii) securities of the Government of Jamaica or of the Government of any other country; or
 - (iii) rights (whether actual or contingent) in respect of money lent to or deposited with, any industrial and provident society, co-operative society or building society,

and includes rights or interests (described whether as units or otherwise) which may be acquired under any unit trust scheme under which all

property for the time being subject to any trust created in pursuance of the scheme consists of such securities as are mentioned in paragraph (i), paragraph (ii) or paragraph (iii) of this definition;

- (g) "shares" means shares in the share capital of a corporation or stock of a corporation;
- (h) "unit trust scheme" means any arrangements made for the purpose, or having the effect, of providing facilities for the participation by persons, as beneficiaries under a trust, in profits or income arising from the acquisition, holding, management or disposal of securities or any other property whatsoever.

Falsification
of accounts.

29. Every person who—

- (i) being a clerk or servant or person employed in the capacity of clerk or servant wilfully and with intent to defraud—
 - (a) destroys, alters, mutilates, or falsifies, any book, paper, writing, valuable security, or account, belonging to or in the possession of his employer, or received by him for or on account of his employer;
or
 - (b) makes or concurs in making any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from or in such book or any document or account;
- (ii) being employed in the public service of Her Majesty, or being a member of or employed in the Jamaica Constabulary Force—
 - (a) destroys, alters, mutilates, or falsifies, any book, paper, writing, valuable security,

or account, belonging to or in the possession of Her Majesty, or received by him for or on behalf of Her Majesty; or

- (b) makes or concurs in making any false entry in, or omits or alters, or concurs in omitting or altering, any material particular from or in any such book or any document or account,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any period not exceeding five years.

30. Every person who wilfully and with intent to defraud—

Falsification
of account
books of a
bank, etc.

- (a) makes any false entry in, or alters any word or figure in, any of the books of account kept at any Savings Bank in Jamaica, or by any body corporate or public company, in which books the accounts of the owners of any money deposited in such Savings Bank, or of any stock of any such body corporate, is entered and kept; or
- (b) falsifies in any manner any of the accounts of any such owners in any such books; or
- (c) makes any transfer of any share or interest of or in any such deposit or stock in the name of any person, not being the true and lawful owner of such share or interest,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for life.

31. Every person who, being a clerk, officer, or servant, or person employed in the capacity of a clerk, officer, or servant, in any Savings Bank in Jamaica, or by any body corporate or public company, knowingly and with intent to

Clerks, etc.,
making out
false divid-
end
warrants.

defraud makes out or delivers any dividend warrant, or warrant for payment of any interest or money, for a greater or less amount than the person on whose behalf such warrant has been made is entitled to, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Personating
the owner
of stock.

32. Every person who falsely and deceitfully personates—

- (a) any owner of any share or interest of, or in, any stock, annuity, or other public fund, which is transferable at any bank or public office in Jamaica; or
- (b) any owner of any share or interest of, or in, the capital stock of any body corporate or public company; or
- (c) any owner of any dividend or money payable in respect of any such share or interest; or
- (d) any owner of any money deposited in any Savings Bank in Jamaica, or in any Building Society,

and thereby transfers or endeavours to transfer any share or interest belonging to such owner, or thereby receives or endeavours to receive any money due to any such owner, as if such person were the true and lawful owner, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for life.

Personation
with intent
to obtain
land, etc.

33. Every person who falsely and deceitfully personates any person, or the heir, executor, administrator, wife, widow, next of kin, or relation, of any person, with intent fraudulently to obtain any land, estate, chattel, money, valuable security, or property, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

34. Every person who, without lawful authority or excuse, the proof whereof shall lie on the accused, in the name of any other person, acknowledges any recognizance or bail, or any *cognovit actionem*, or judgment, or any deed, or other instrument, before any court, Judge or other person lawfully authorized in that behalf, shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Falsely
acknowledg-
ing bail, etc.

35. Every person who, by any false pretence—

False
pretences.

- (1) with intent to defraud, obtains from any other person any chattel, money, or valuable security, or causes or procures any money to be paid, or any chattel or valuable security to be delivered, to himself or to any other person for the use or benefit or on account of himself or any other person; or
- (2) with intent to defraud or injure any other person, fraudulently causes or induces any other person—
 - (a) to execute, make, accept, endorse, or destroy, the whole or any part of any valuable security; or
 - (b) to write, impress, or affix, his name or the name of any other person, or the seal of any body corporate or society, upon any paper or parchment in order that it may be afterwards made or converted into, or used or dealt with as, a valuable security,

shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding five years.

Obtaining
credit by
fraud.

39/1967
S. 2.

36. Every person who, in incurring any debt or liability, obtains credit under false pretences or by means of any other fraud shall be guilty of a misdemeanour, and on conviction thereof, shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

Robbery.

37.—(1) Every person who—

- (a) being armed with any offensive weapon or instrument, or being together with one other person or more, robs, or assaults with intent to rob, any person;
- (b) robs any person and, at the time of or immediately before or immediately after such robbery, uses any personal violence to any person,

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding twenty-one years.

42/1963
S. 2.
9 of 1972
Sch.

42/1963
S. 2.

(2) Every person who robs any person shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding fifteen years.

42/1963
S. 2.

(3) Every person who assaults any person with intent to rob shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

Sacrilege.

38. Every person who—

- (a) breaks and enters any place of divine worship and commits any felony therein; or
- (b) breaks out of any place of divine worship, having committed any felony therein,

shall be guilty of felony called sacrilege, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding ten years.

39. Every person who in the night—

Burglary.

- (1) breaks and enters the dwelling-house of another with intent to commit any felony therein; or
- (2) breaks out of the dwelling-house of another, having—
 - (a) entered such dwelling-house with intent to commit any felony therein; or
 - (b) committed any felony in such dwelling-house,

shall be guilty of felony called burglary, and on conviction thereof—

- (i) where the felony committed in the dwelling-house is rape, shall be liable to imprisonment for life; and

42/1963
S. 2.
9/1972
Sch.

- (ii) in any other case shall be liable to imprisonment for a term not exceeding twenty-one years.

9/1972
Sch.

40. Every person who—

House-
breaking and
committing
felony.

- (1) breaks and enters any dwelling-house, or any building within the curtilage thereof and occupied therewith, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to Her Majesty or to any Government department, or to any municipal or other public authority, and commits any felony therein; or

- (2) breaks out of any such place, having committed any felony therein,

shall be guilty of felony, and on conviction thereof—

42/1963
S. 2.
9/1972
Sch.

- (a) where the felony committed in any such place is rape, shall be liable to imprisonment for life; and
- (b) in any other case shall be liable to imprisonment for a term not exceeding ten years.

House-breaking
with intent
to commit
felony.

41. Every person who, with intent to commit any felony therein—

- (a) enters any dwelling-house in the night; or
- (b) breaks and enters any dwelling-house, place of divine worship, or any building within the curtilage thereof, or any school-house, shop, warehouse, counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to Her Majesty, or to any Government department, or to any municipal or other public authority.

shall be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Being found
by night
armed or in
possession
of house-
breaking
implements.

42. Every person who is found by night—

- (1) armed with any dangerous or offensive weapon or instrument, with intent to break or enter into any building and to commit any felony therein; or
- (2) having in his possession without lawful excuse (the proof whereof shall lie on such person) any key, picklock, crow, jack, bit, or other implement of house-breaking; or

- (3) having his face blackened or disguised with intent to commit any felony; or
- (4) in any building with intent to commit any felony therein,

shall be guilty of a misdemeanour, and on conviction thereof liable—

- (a) if he has been previously convicted of any such misdemeanour or of any felony, to imprisonment with hard labour for any term not exceeding ten years; and
- (b) in all other cases, to imprisonment with hard labour for any term not exceeding five years.

42A.—(1) Every person who—

Extortion.
29/2005
S. 2.

- (a) with a view to gain for himself or another; or
- (b) with intent to cause loss to another,

makes any unwarranted demand with menaces, shall be guilty of the offence of extortion.

(2) For the purposes of this section—

- (a) a demand with menaces is unwarranted unless the person making the demand, satisfies the Court that—

- (i) he has reasonable grounds for making the demand; and
 - (ii) the use of the menaces is a proper means of reinforcing the demand;
- (b) "gain" and "loss" mean a gain or loss, respectively, in money or other property, including an office or employment, whether or not for remuneration, whether temporary or permanent and, for the purposes of this definition—
- (i) "gain" includes a gain by keeping what one has, and a gain by getting what one has not; and
 - (ii) "loss" includes a loss by not getting what one might get and a loss by parting with what one has;
- (c) the nature of the act or omission demanded is immaterial and it is also immaterial whether or not the menaces relate to action to be taken by the person making the demand.

(3) A person who commits an offence under subsection (1) shall be liable—

- (a) on conviction before a Resident Magistrate to imprisonment with hard labour for a term not exceeding five years;

- (b) on conviction in a Circuit Court to imprisonment for a term not exceeding fifteen years.

43. [Repealed by Act 29 of 2005.]

44. [Repealed by Act 29 of 2005.]

45. [Repealed by Act 29 of 2005.]

46.—(1) Every person who receives any property knowing it to have been stolen or obtained in any way whatsoever under circumstances which amount to felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour), and on conviction thereof liable—Receiving.

- (a) in the case of felony, to imprisonment with hard labour for any term not exceeding ten years;
- (b) in the case of misdemeanour, to imprisonment with hard labour for any term not exceeding five years.

(2) Every person who receives any mail bag, or any postal article, or any chattel, or money, or valuable security, the stealing, or taking, or embezzling, or secreting, whereof amounts to a felony under this Act, knowing it to have been so feloniously stolen, taken, embezzled, or secreted, and to have been sent or to have been intended to be sent by post, shall be guilty of felony, and on conviction thereof liable to the same punishment as if he had stolen, taken, embezzled, or secreted it.

(3) Every such person may be indicted and convicted, whether the principal offender has or has not been previously convicted, or is or is not amenable to justice.

(4) Every person who, without lawful excuse, receives or has in his possession any property stolen or obtained outside the Island, knowing it to have been stolen or obtained in any way whatsoever under such circumstances that if the act had been committed in the Island the person committing it would have been guilty of felony or misdemeanour, shall be guilty of an offence of the like degree (whether felony or misdemeanour), and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

Corruptly
taking a
reward.

47. Every person who corruptly takes any money or reward, directly or indirectly, under pretence or upon account of helping any person to recover any property which has, under circumstances which amount to felony or misdemeanour, been stolen or obtained in any way whatsoever, or received, shall (unless he has used all due diligence to cause the offender to be brought to trial for such offence) be guilty of felony, and on conviction thereof liable to imprisonment with hard labour for any term not exceeding seven years.

PART III. *Summary Offences*

Larceny etc.,
of dogs, etc.,
punishable
summarily.

48. Every person who—

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

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

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

11/2000
S. 2.

Taking or
destroying
fish.

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

11/2000
S. 2.

Taking
animal with-
out consent
of owner.

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

11/2000
S. 2.

Stealing,
etc., fences,
etc.

51. Every person who steals, or with intent to steal cuts, severs, roots up, or breaks, any part of any fence, whether growing or not, wooden post, stile, or gate, shall be guilty of

17/1982
3rd Sch.
11/2000
S. 2.

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

Offering for
sale, etc.,
wrecked
goods.

52. Every person who—

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

and fails to satisfy the court that he came by them lawfully, shall be guilty of an offence and on summary conviction liable to imprisonment with hard labour for any term not exceeding three months, or to a fine not exceeding four thousand dollars.

11/2000
S. 3.

Prædial
larceny
triable
summarily.

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

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

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

11/2000
S. 4(c)

Advertising
reward for
return of
stolen
property.

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

- (a) uses any words purporting that no questions will be asked of, or enquires made about, the person producing such property; or

(b) promises or offers to return to any person any money which he may have paid by way of purchase for, or advanced by way of loan on such property, shall be guilty of an offence, and on summary conviction liable to a fine not exceeding five thousand dollars or in default of payment thereof to imprisonment with hard labour for any term not exceeding three months.

11/2000
S. 5.

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

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

Larceny
under ten
thousand
dollars triable
summarily.
11/2000
S. 6 (a)(b).

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

11/2000
S. 6(c).

56. Every person who receives any property, the stealing or obtaining of which is an offence punishable on summary conviction under this Act, knowing it to have been so stolen or obtained, shall be liable on summary conviction to the same punishment to which the person who stole or obtained such property is liable.

Summary
punishment
for receiving.

PART IV. General

57. Every person who knowingly and wilfully aids, abets, counsels, procures, or commands, the commission of an offence punishable under this Act shall be liable to be dealt with, indicted, tried, and punished, as a principal offender.

Accessories
and abettors.

58.—(1) A wife shall have the same remedies and redress under this Act for the protection and security of her own property as if she were a *feme sole*:

Husband and
wife.

Provided that no proceedings under this Act shall be taken by any wife against her husband while they are living together as to or concerning any property claimed by her,

nor while they are living apart as to or concerning any act done by the husband while they were living together concerning property claimed by the wife, unless such property has been wrongfully taken by the husband when leaving or deserting or about to leave or desert his wife.

(2) A wife doing an act with respect to any property of her husband, which, if done by the husband in respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall be in like manner liable to criminal proceedings by her husband.

General deficiency.

59. In an indictment against a person for larceny or embezzlement, the accused person may be charged and proceeded against for the amount of a general deficiency in account, notwithstanding that such general deficiency is made up of any number of specific sums of money the taking of which extended over any space of time, and without showing any particular sums received and not accounted for.

Punishments.

60.—(1) Every person who commits the offence of simple larceny after having been previously convicted of felony shall be liable to imprisonment with hard labour for any term not exceeding ten years.

(2) Every person who commits the offence of simple larceny, or any offence made punishable like simple larceny, after having been previously convicted—

(a) of any misdemeanour punishable under this Act; or

(b) twice summarily of larceny or damage to property,

shall be liable to imprisonment with hard labour for any term not exceeding seven years.

(3) On conviction of a felony or misdemeanour punishable under this Act, the court, instead of or in addition

to any other punishment which may lawfully be imposed for the offence—

- (a) may fine the offender; or
- (b) may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour:

Provided that a person shall not be imprisoned for more than one year for not finding sureties.

(4) Every person guilty of conspiracy to commit an offence under section 28 shall be punishable as if he had committed such an offence. 7/1965
14th Sch.

61.—(1) On the trial of an indictment for obtaining or attempting to obtain any chattel, money, or valuable security, by any false pretence, it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with intent to defraud. Procedure.

(2) An allegation in an indictment that money or bank-notes have been embezzled or obtained by false pretences may, so far as regards the description of the property, be sustained by proof that the offender embezzled or obtained any piece of coin or any bank-note or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to any person and such part has been returned accordingly.

(3) In an indictment for receiving any property under this Act, any number of persons who have at different times so received such property or any part thereof may be charged and tried together.

(4) If any person who is a member of any partnership, or is one of two or more beneficial owners of any

property, steals or embezzles any such property of or belonging to such partnership or to such beneficial owners, he shall be liable to be dealt with, tried, and punished, as if he had not been or was not a member of the partnership or one of such beneficial owners.

Arrest without warrant.

62.—(1) Any person found committing any offence punishable under this Act, except an offence under section 45 may be immediately apprehended without a warrant by any person and forthwith taken, together with the property, if any, before a Resident Magistrate or Justice to be dealt with according to law.

(2) Any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect that any offence has been committed against this Act with respect to such property, shall, if in his power, apprehend and forthwith take before a Resident Magistrate or Justice such person, together with such property, to be dealt with according to law.

(3) Any constable may take into custody without warrant any person whom he finds lying or loitering in any highway, yard, or other place, during the night, and whom he has good cause to suspect of having committed or being about to commit any felony in this Act mentioned, and shall take such person as soon as reasonably may be before a Resident Magistrate or Justice to be dealt with according to law.

Search warrants.

63.—(1) If it is made to appear by information on oath before a Resident Magistrate or Justice that there is reasonable cause to believe that any person has in his custody or possession or on his premises any property whatsoever, with respect to which any offence against this Act has been committed, such Magistrate or Justice may grant a warrant to search for and seize such property.

(2) (a) Any constable may, if authorized in writing by an officer of Constabulary not below the rank of Superintendent, enter any house, shop, warehouse, yard, or other premises, and search for and seize any property he believes to have been stolen, and, where any property is seized under this section, the person on whose premises it was at the time of seizure or the person from whom it was taken shall, unless previously charged with receiving it knowing it to have been stolen, be summoned before a Resident Magistrate to account for his possession of such property, and such Resident Magistrate shall make such order respecting the disposal of such property and may award such costs as the justice of the case may require.

(b) It shall be lawful for any such officer of Constabulary to give such authority—

- (i) when 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
- (ii) when 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 with imprisonment.

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

64.—(1) Whenever any person is being proceeded against Evidence. for receiving any property knowing it to have been stolen, or for having in his possession stolen property, for the purpose of proving guilty knowledge there may be given in evidence at any stage of the proceedings—

- (a) the fact that other property stolen within the period of twelve months preceding the date of the offence charged was found or had been in his possession;
- (b) the fact that within the five years preceding the date of the offence charged he was convicted of any offence involving fraud or dishonesty:

Provided that this last-mentioned fact may not be proved unless—

- (i) seven days' notice in writing has been given to the offender that proof of such previous conviction is intended to be given;
- (ii) evidence has been given that the property in respect of which the offender is being tried was found or had been in his possession.

(2) On the trial of any indictment for the fraudulent conversion of any property, or the proceeds thereof, it shall be *prima facie* evidence of such conversion if it is established by evidence that the person to whom the property was entrusted—

- (a) absconded without accounting; or
- (b) kept out of the way in order not to account; or
- (c) having been duly called upon to account failed to give any satisfactory account of such property or the proceeds thereof.

(3) No person shall be liable to be convicted of any offence against sections 9, 10 paragraph (1), 11 paragraphs (a) and (b), 24, 25, 26, 27 and 28, upon any evidence whatever in respect of any act done by him, if at any time previously to his being charged with such offence he has first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity in any

7/1965
14th Sch.

action, suit, or proceeding which has been *bona fide* instituted by any person aggrieved.

(4) In any proceedings in respect of any offence against sections 9, 10 paragraph (1), 11 paragraphs (a) and (b), 24, 25, 26, 27 and 28, a statement or admission made by any person in any compulsory examination or deposition before any court on the hearing of any matter in bankruptcy shall not be admissible in evidence against that person. 5/1965
14th Sch.

65.—(1) If, on the trial of any indictment for robbery, Verdict. it is proved that the defendant committed an assault with intent to rob, the jury may acquit the defendant of robbery and find him guilty of an assault with intent to rob, and thereupon he shall be liable to be punished accordingly.

(2) If, on the trial of any indictment for any offence against section 22 (relating to embezzlement), it is proved that the defendant stole the property in question, the jury may find him guilty of stealing, and thereupon he shall be liable to be punished accordingly; and on the trial of any indictment for stealing, the jury may in like manner find the defendant guilty of embezzlement or of fraudulent application or disposition, as the case may be, and thereupon he shall be liable to be punished accordingly.

(3) If, on the trial of any indictment for stealing, it is proved that the defendant took any chattel, money, or valuable security in question in any such manner as would amount in law to obtaining it by false pretences with intent to defraud, the jury may acquit the defendant of stealing and find him guilty of obtaining the chattel, money, or valuable security, by false pretences, and thereupon he shall be liable to be punished accordingly.

(4) If, on the trial of any indictment for obtaining any chattel, money, or valuable security, by false pretences, it is proved that the defendant stole the property in question,

he shall not by reason thereof be entitled to be acquitted of obtaining such property by false pretences.

(5) If, on the trial of any two or more persons indicted for jointly receiving any property, it is proved that one or more of such persons separately received any part of such property, the jury may convict upon such indictment such of the said persons as are proved to have received any part of such property.

Restitution.

66.—(1) If any person guilty of any such offence as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, having in his possession, or disposing of, or in knowingly receiving, any property, is prosecuted to conviction by or on behalf of the owner of such property, the property shall be restored to the owner or his representative.

(2) In every case in this section referred to, the court before whom such offender is convicted shall have power to award from time to time writs of restitution for the said property or to order the restitution thereof in a summary manner:

Provided that where goods as defined in the Sale of Goods Act have been obtained by fraud or other wrongful means not amounting to stealing, the property in such goods shall not revest in the person who was the owner of the goods or his personal representative, by reason only of the conviction of the offender:

Provided also that nothing in this section shall apply to the case of—

(a) any valuable security which has been in good faith paid or discharged by some person or body corporate liable to the payment thereof, or, being a negotiable instrument, has been in good faith taken or received by transfer or delivery by some

person or body corporate for a just and valuable consideration without any notice or without any reasonable cause to suspect that it had been stolen;

(b) any offence against sections 24, 25 and 26.

(3) On the restitution of any stolen property, if it appears to the court by the evidence that the offender has sold the stolen property to any person, and that such person has had no knowledge that it was stolen, and that any moneys have been taken from the offender on his apprehension, the court may, on the application of such purchaser, order that out of such moneys a sum not exceeding the amount of the proceeds of such sale be delivered to such purchaser.

67.—(1) Where any person by any statement which is untrue invites any other person to do any of the things mentioned at paragraphs (a), (b) and (c) of subsection (1) of section 28, such first-mentioned person shall be liable to pay compensation to any such other person who does any of the said things on the faith of any such statement for the loss or damage he may have sustained by reason thereof:

Civil
liability
for untrue
statements.

7/1965
14th Sch.

Provided that no person shall be liable under this section in respect of any untrue statement if he proves that he had reasonable ground to believe, and did up to the time of making the statement believe that the statement was true and, in any case where after making the statement he discovered that it was untrue, did not have any reasonable opportunity of communicating that fact to the person suffering the loss or damage.

(2) In this section—

- (a) the word “statement” includes promise and forecast; and
- (b) a statement shall be deemed to be untrue if, in the form and context in which it is made, it is mis-

leading or unjustified, and the word "true" in relation to a statement shall have a corresponding meaning.

**Offences
punishable
on summary
conviction.**

68. Where an offence against this Act is by any other enactment made punishable on summary conviction, proceedings may be taken either under such other enactment or under this Act.