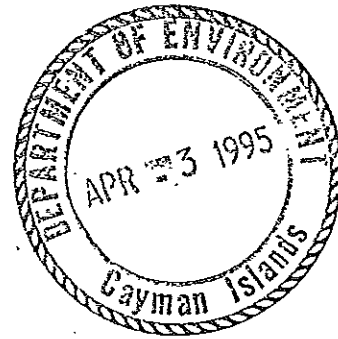


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THE TOWNS AND COMMUNITIES LAW (CAP. 169)

(1995 Revision)

Consolidated with Laws No. 41 of 1966, 14 of 1977, 16 of 1980, 20 of 1989 and 8 of 1990.

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Cap. 169-1st January, 1964

Law 41 of 1966-1st November, 1966

Law 14 of 1977-9th June, 1977

Law 16 of 1980-10th September, 1980

Law 20 of 1989-22nd December, 1989

Law 8 of 1990-18th July, 1990

Consolidated and revised this 7th day of February, 1995.

TOWNS AND COMMUNITIES LAW (CAP. 169)

(1995 Revision)

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3. What not to be done in thoroughfares or highways
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TOWNS AND COMMUNITIES LAW (Cap. 169)

(1995 Revision)

1. This Law may be cited as the Towns and Communities Law (1995 Revision). Short title

2. In this Law, unless the context otherwise requires-

Definitions

“carriage” means any wagon, 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;

“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; and 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; and

“town” includes all cities and villages.

3. (1) Every person who-

What not to be done in thoroughfares or highways

- (a) in any thoroughfare in any town, in any public place 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 entertainment, 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;

Towns and Communities Law (1995 Revision)

- (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, hunts, injures or hurts any such cattle or other animal;
- (d) having the care of any cart or carriage, rides on any part thereof, 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, or in any public place, rides or drives furiously, or on any thoroughfare or highway, or in any public place, 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, unloading, taking up or setting down passengers, excepting carriages standing for hire in any place allowed by competent authority; or, by means of any carriage, 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, upon or impede any 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, wheel, 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;
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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 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 square, street or lane 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 firearms, or makes any bonfire; or who, to the danger and annoyance of any passenger or inhabitant, throws or discharges any stone or other missile, 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 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, carrion, fish, offal, rubbish or broken bottles in any street, lane or road;

Towns and Communities Law (1995 Revision)

- (s) loiters in any public place and solicits any person for the purpose of prostitution; or
- (t) in any public place sets fire to any firework except in accordance with the terms of a permit issued by the Chief Fire Officer,

is guilty of an offence and liable on conviction to a fine of one thousand dollars or to imprisonment for six months.

(2) Any person who throws down, drops or otherwise deposits in, into or from any road or place to which the public are entitled or permitted to have access, or leaves anything whatsoever including but without limiting the generality of the foregoing any paper, bottle, tin can, packing material, offal, carrion, refuse, wrecked car or other vehicle or litter in such circumstances as to cause, contribute to, or tend to lead to the defacement by litter of any such place or road, then, unless that depositing and leaving was authorised by law or was done with the consent of the owner, occupier or other person or authority having the control of the place in or into which that thing was thrown down, dropped or otherwise deposited, is guilty of an offence and liable on summary conviction to a fine of five hundred dollars.

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 under section 3 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.

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

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, merchandise or 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, 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;
- (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);
- (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 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;
 - (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, sloped 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;
 - (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;
 - (f) exposes anything for sale in any private piazza or public place, unless with the consent of the owner or other person authorised 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 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; or

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Towns and Communities Law (1995 Revision)

(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,

is guilty of an offence and liable on conviction to a fine of twelve dollars.

Riotous behaviour in public place while drunk

6. Every person who, in any thoroughfare, while drunk, is guilty of any riotous or indecent behaviour in any public place, is guilty of an offence and liable on summary conviction to a fine of eighteen dollars for every such offence or to imprisonment for ten days.

Drunk and disorderly persons may be apprehended

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.

Persons found drunk in streets

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 liable on conviction to a fine of twelve dollars and, in default of payment, to imprisonment for ten days.

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

9. Every person who commits any of the following offences is liable upon a second or any subsequent summary conviction to a fine of five hundred dollars or to imprisonment for six months-

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

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- (d) every person who, in any thoroughfare, while drunk, is guilty of any riotous or indecent behaviour in any public place; or
- (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.

10. Every Justice before whom any person is convicted of any offence 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 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 a violator of the public peace and on conviction liable to a fine of twelve dollars or to imprisonment for thirty days, or in default of payment of such fine to imprisonment for thirty days.

Noisy and disorderly conduct in public places

12. (1) Any person who makes any noise in any town or district which is likely to cause annoyance or discomfort to any inhabitant of that town or district, after having been required by a constable to desist from making such noise, is guilty of an offence and liable on summary conviction to a fine of five hundred dollars for a first conviction, a fine of one thousand dollars for a second conviction and a fine of five thousand dollars and imprisonment for six months for a third or subsequent conviction.

Penalty for failure to desist from making noises in certain circumstances

(2) The occupier of any premises upon which any contravention of subsection (1) takes place is guilty of an offence against subsection (1) 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 liable on summary conviction to a fine of five hundred dollars for a first conviction, a fine of one thousand dollars for a second conviction and a fine of five thousand dollars and imprisonment for six months for a third or subsequent conviction.

Noise

Regulations

Noise levels

(3) Any occupier of premises from which noise is emitted which is likely to cause annoyance or discomfort to any inhabitant of the town or district in which the premises are located, and who is requested by a constable to cease such noise, shall cease that noise forthwith, and if the noise is not ceased forthwith is guilty of an offence and liable on summary conviction to a fine of five hundred dollars for a first conviction, a fine of one thousand dollars for a second conviction and a fine of five thousand dollars and imprisonment for six months for a third or subsequent conviction.

13. (1) Any person who generates noise or is the occupier of premises from which noise is emitted in excess of the prescribed levels shall reduce such noise to within such prescribed levels if required to do so by a constable or an environmental health officer.

(2) For the purposes of this section the Governor in Council may by regulations prescribe-

- (a) levels of noise for the purposes of subsection (1), measured in decibels;
- (b) methods of measurement of noise; and
- (c) without prejudice to paragraph (b), machines for measuring the level of noise.

(3) Any person who fails to comply with the request of a constable or an environmental health officer made under subsection (1) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars for a first conviction, a fine of one thousand dollars for a second conviction and a fine of five thousand dollars and imprisonment for six months for a third or any subsequent conviction.

14 Upon conviction of an offence under section 12 or 13, in addition to any other penalty provided, the Court may order forfeiture of any equipment or device used in the commission of the offence.

15. 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, is guilty of an offence and liable on conviction to a fine of thirty dollars.

16. Any householder personally, or by his servant or any constable, may require any street-musician, juggler, dancer, actor or showman to depart from

Forfeiture

Discharging cannon in town

Street musicians, etc.

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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, is guilty of an offence and liable on conviction to a fine of twelve dollars.

17. 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, is guilty of an offence and liable on conviction to a fine of thirty dollars.

Mad dogs

18. 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 gaol, 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

19. 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, in front, 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

20. 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

Power to two Justices to hear and determine charge

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Power to two Justices to
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21. Any two Justices in Petty Session assembled, may hear and determine any complaints against the persons offending as aforesaid against sections 18 and 19 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 commit such persons and sentence them to imprisonment, for sixty days:

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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.

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Constables may
apprehend on view

22. 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.

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Parties apprehended
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23. Every person taken into custody in the day time for offences under 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.

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24. Whenever any person having charge of any carriage, horse or other animal, goods or chattels, is taken into the custody of any constable under this Law, any constable may take charge of such carriage, horse or other animal, 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 authorised 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, horse or other animal.

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Person causing hurt or
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25. 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 sixty dollars 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 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.

26. For every misdemeanour, or other offence against this Law, for which no special penalty is hereinbefore appointed, the offender, at the discretion of the Justices before whom the conviction takes place, is liable to a fine of thirty dollars or imprisonment for 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.

27. 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

28. 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 judgement of the law on non-payment of the amount; and such Justices are hereby empowered to take such security by way of recognisance, which said recognisance, if forfeited, shall be estreated in like manner as any other estreated recognisance), it shall be lawful for the said Justices to commit the offender, by warrant under their hands and seals, to imprisonment for thirty days, the imprisonment in any case to cease on payment of the sum due; and the

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Towns and Communities Law (1995 Revision)

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

29. 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

30. 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

31. 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.

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Carmena H. Parsons
Acting Clerk of Executive Council