

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2019

CHAPTER V

SUMMARY OFFENCES ORDINANCE

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An ordinance relating to summary offences

[4th December 2000]

Ordinances:
No. 15 of 2000
No. 4 of 2005
No. 4 of 2009
No. 1 of 2018**PART I—PRELIMINARY**

1. This ordinance may be cited as the Summary Offences Ordinance.

Short title.

2.—(1) In this ordinance, unless the context otherwise requires—

Interpretation.

“assault” means the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other person to believe on reasonable grounds that he or she has, present ability to effect that purpose; and “to assault” shall be construed accordingly;

“Court” means the Magistrate’s Court;

“police officer” means a person appointed by the Governor as a police officer for the purposes of the Justice Ordinance.

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(2) Every person who, having an intent to commit an offence, does or omits an act for the purpose of committing that offence, is guilty of an attempt to commit the offence intended, whether in the circumstances it was possible to commit the offence or not.

The question whether an act done or omitted with intent to commit an offence is or is not only preparation for the commission of that offence and too remote to constitute an attempt to commit it, is a question of law.

An act done or omitted with intent to commit an offence may constitute an attempt if it is immediately or proximately connected with the intended offence, whether or not there was any act unequivocally showing the intent to commit that offence.

(3) Every person who aids, abets, advises or causes another to commit an offence constituted under the provisions of this ordinance, shall be liable to be proceeded against and convicted for the same, either with the principal offender or before or after that offender’s conviction, and shall also be liable on conviction to the same penalties and punishments and to make the same payments as those to which the principal offender would be liable.

PART II—OFFENCES AGAINST PUBLIC ORDER

3. Any person who uses profane or abusive language in

Profane or abusive language.

any public place shall be guilty of an offence and liable to a fine not exceeding fifty dollars.

Disorderly conduct.

4. Any person who in any public place is drunk or behaves in a riotous or disorderly manner shall be guilty of an offence and liable to a fine not exceeding fifty dollars or both such fine and imprisonment.

Indecent behaviour.

5. Any person who behaves in an indecent manner in any public place shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding forty days.

Fighting in public place.

6. Any person who fights in a public place is guilty of an offence and liable to a fine not exceeding fifty dollars.

Importing drugs.

7.—(1) Any person, other than the Medical Officer, who imports drugs of any kind into Pitcairn Island shall be guilty of an offence and liable to a fine not exceeding two hundred dollars:

Provided that—

- (a) any person may, with the consent of the Medical Officer or upon the written prescription of a duly qualified medical practitioner, import any drug for medical purposes within the family of that person; and
- (b) the proviso to this section shall not apply to any drugs generally or specifically exempted therefrom by the Medical Officer.

(2) Any drugs imported in contravention of the provisions of subsection (1) may be confiscated and destroyed in such manner as the Court may direct.

Indecent and obscene material.

8.—(1) Any person who imports into the Islands, or who has in his or her possession, any indecent or obscene books, cards, photographs, casts, figures, pictures, lithographic or other engravings, cinematographic or other films or any other indecent or obscene article shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding one hundred days or to both such fine and imprisonment and any such article may be confiscated and destroyed in such manner as the Court shall direct.

(2) Any person who without lawful excuse by means of any form of electronic technology transmits or receives visual images which are indecent or obscene shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding one hundred days or to both such fine and imprisonment and any electronic

equipment used in the commission of such an offence may if the Court so directs be confiscated and forfeited to the Crown.

(3) No prosecution for an offence under this section may be commenced by any person without the consent of the Public Prosecutor.

PART III—OFFENCES AGAINST THE PERSON

9. Any person who without lawful excuse assaults any other person shall be guilty of an offence and liable to a fine not exceeding one hundred dollars.

Assault.

(Deleted by Ordinance No. 4 of 2005)

10. Any person who uses any threatening language in any place to the annoyance of any other person, or by reason whereof an assault may be committed or any person may fear that an assault may be committed shall be guilty of an offence and liable to a fine not exceeding fifty dollars.

Threatening language.

11. Any person who spreads any report about any other person knowing or having reason to believe the same to be untrue which may cause or is likely to cause such other person to suffer in reputation shall be guilty of an offence and liable to a fine not exceeding fifty dollars.

False report.

12. It is the duty of every person having charge of another who is unable to provide himself or herself with the necessaries of life by reason of age, sickness, unsoundness of mind, detention or any other cause, to provide such person of whom he or she has charge with the necessaries of life and any person, having such charge of any other person who fails to provide such other person with the necessaries of life or abuses or maltreats such other person shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for any period not exceeding seventy-five days or to both such fine and imprisonment.

Responsibility of person in charge of another.

(Sections 13 and 14 repealed by Ordinance No. 9 of 2003)

15. Any person who, being a parent or guardian or a person for the time being having the care of a child under the age of fourteen years, leaves that child without making reasonable provision for the supervision and care of the child for a time that is unreasonable or under conditions which are unreasonable having regard to all the circumstances, shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding ninety days or to both such fine and imprisonment.

Leaving child without supervision etc.

PART IV—OFFENCES AGAINST PROPERTY

Stealing and receiving.

16. Any person who steals any property the value of which in the opinion of the Court, does not exceed the sum of two hundred dollars, or who receives any such property knowing the same to have been stolen, shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for any period not exceeding one hundred days or to both such fine and imprisonment, and upon the conviction of any such person the Court may, in addition to any such penalty, order that such property or its value be restored or paid to the owner thereof.

Malicious damage.

17. Any person who wilfully and unlawfully damages or destroys any property, or sets on fire any tree or other vegetation, the value of which in the opinion of the Court does not exceed two hundred dollars, shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for any period not exceeding ninety days or to both such fine and imprisonment, and upon the conviction of any such person the Court may, in addition to any such penalty, order such person to pay to the owner thereof, the value of any property so damaged or destroyed.

Causing fires.

18.—(1) Any person who negligently causes any fire shall be guilty of an offence and liable to a fine not exceeding fifty dollars, and upon the conviction of any such person the Court may, in addition to any such penalty, order such person to pay to the owner thereof, the value of any property destroyed or damaged by such fire.

(2) Any person who causes any fire within five yards of the boundary of any land in the occupation of any person without first obtaining the permission of such other person, or who leaves any such fire before it is extinguished, shall be guilty of an offence and liable to a fine not exceeding fifty dollars.

[Protected artefacts]

[19.—(1) Any person removing, defacing or otherwise mutilating or injuring any prehistoric rock carvings shall be guilty of an offence and liable to a fine not exceeding \$20,000.

(2) Any person removing or attempting to remove or conspiring with any other person, whether resident in the Islands or not, to remove or attempt to remove from the Islands any protected artefact without the written consent of the Governor shall be guilty of an offence and liable to a fine not exceeding \$20,000.

(3) In this section, “protected artefact” means items in any of the following categories:

- (a)** any relic of the ships “Bounty”, “Cornwallis”, “Arcadia”, or “Bowden”;

- (b) any artefact of the Polynesian people resident on Pitcairn prior to the arrival of the “Bounty”;
- (c) any coffin on Henderson Island.]

(Repealed and replaced by Ordinance No. 1 of 2018)

20. Any person who—

Trespass.

- (a) enters into or upon any plantation, garden, orchard, land or house in the possession of another with intent to commit an offence or to intimidate or annoy any person lawfully in possession thereof,
- (b) without lawful excuse enters or remains in any plantation, garden, orchard, land or house after being warned not to enter, or to depart therefrom;
- (c) without lawful excuse enters by night any house or any verandah or passage attached thereto or any yard, garden or any land adjacent thereto;

shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or to imprisonment for any period not exceeding sixty days or both such fine and imprisonment.

PART V—OTHER OFFENCES

21. Any person whose name appears on the Register of Voters, who, without lawful excuse, fails to record his or her vote in any poll for the election of an Island Officer under the provisions of Part III of the Local Government Ordinance, shall be guilty of an offence and liable to a fine not exceeding twenty-five dollars.

Failure to vote.

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22. Any person who, on being required by the Island Secretary to furnish any particulars needed by the Island Secretary for the purpose of preparing any official return, neglects or refuses to furnish any such particulars within fourteen days after being requested to do so, shall be guilty of an offence and liable to a fine not exceeding twenty-five dollars.

Failure to furnish particulars.

[23. Any person who:

- (a) is the parent or guardian of any child who resides on Pitcairn Island and has attained the age of 5 years but not yet attained the age of 16 years; and
- (b) without just cause, refuses or neglects to keep that child in regular attendance at the public school on Pitcairn Island

Failure to ensure attendance of child at school

shall be guilty of an offence and liable to a fine not exceeding \$200.]

(Inserted by Ordinance No. 4 of 2009)

24. Any person who supplies tobacco in any form whatsoever to another person under the age of eighteen years

Supplying tobacco.

shall be guilty of an offence and liable to a fine not exceeding twenty five dollars.

PART VI—ARREST AND JURISDICTION

Arrest.

25. A police officer with the aid of all persons called to the assistance of the police officer may arrest and take into custody without a warrant any person whom he or she has good cause to suspect of having committed an offence against any of the provisions of this ordinance punishable by imprisonment.

Jurisdiction.

26. Every offence against this ordinance shall be triable only summarily by the Magistrate's Court.