

THE PROTECTION OF PROPERTY ACT

Cap. 314.

[12th July, 1905.]

1. This Act may be cited as the Protection of Property Act. Short title.

2. When a person employed under contract of service in or about the duty—

Breaches of contract by persons employed in certain public undertakings.

- (a) of supplying any town or place or part thereof with water or light, whether the same be gas, electric, or any other kind whatsoever; or
- (b) of conveying passengers or freight or mails by railway, tramway, or coach; or
- (c) of extinguishing fires and protecting life and property in cases of fire; or
- (d) of conserving the public health in connection with any parochial or municipal service;

by any company or contractor, or by any Government Department, or by any parochial or public authority upon whom or upon which is imposed such duty, whether by law or pursuant to agreement or otherwise, wilfully and maliciously and without lawful excuse breaks his contract of service, knowing, or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others will be to deprive the inhabitants of that town or place wholly, or to a great extent, of their supply of water or light, or to stop or interfere with the due carrying of passengers or freight or mails, or to deprive such inhabitants wholly or partly of protection to life and property in case of fire or of the due maintenance of any of the conditions necessary to the preservation of the public health, he shall on conviction thereof before a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable at the dis-

cretion of the court, to a fine not exceeding forty dollars, or to be imprisoned for a term not exceeding three months, with or without hard labour.

The company, contractor, Government Department, parochial or public authority aforesaid, shall cause to be posted up at their stations, yards, or works, as the case may be, a printed copy of this section in some conspicuous place, where the same may be conveniently read by the persons employed; and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any company, contractor, Government Department, parochial or public authority makes default in complying with the provisions of this section in relation to such notice, the chairman of such company, such contractor, the head of such department, the Clerk or Secretary of the Parish Council, the superior officer in such public authority, or in case of the absence from the Island of any of the foregoing, the resident local manager, agent, acting officer, or authority representing such absent person, shall incur on summary conviction, a penalty not exceeding four dollars, for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding four dollars.

Breaches of  
contracts  
involving  
damage to  
human life,  
etc.

3. Where any person wilfully and maliciously breaks a contract of service, knowing, or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a court of summary jurisdiction, or on indictment, as hereinafter mentioned, be liable either to pay a penalty not exceeding forty dollars, or to be imprisoned for

a term not exceeding three months, with or without hard labour.

4. For the purposes of this Act any agreement, understanding, or arrangement whatsoever on the subject of wages, whether written or oral, to which any employer or employee under this Act is party, or to which they have assented, or by which they are mutually bound to each other, shall be deemed a contract of service.

Contract of service defined.

5. Where a person is accused before a court of summary jurisdiction of any offence made punishable by this Act, for which a penalty amounting to forty dollars, or imprisonment, is imposed, the accused may declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Objection to summary jurisdiction.

6. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

Agreement or combination when not a conspiracy.

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless this act, if done without any such agreement or combination, would be actionable.

Nothing in this section shall exempt from punishment any person guilty of a conspiracy, for which a punishment is awarded by any law of this Island. Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offence against the

state or the Sovereign. A crime for the purposes of this section means an offence punishable on indictment or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Definition of  
trade  
dispute.

7. In this Act "trade dispute" and "workmen" shall have the meanings respectively assigned to them by the Trade Unions Act.