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VICTORIÆ REGINÆ.

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CAP. LVI.

An Act to provide for the better Prevention of Trespass in *Scotland*. [29th *June* 1865.]

WHEREAS it is expedient that Provision should be made for the better Prevention of Trespass in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Trespass (*Scotland*) Act, 1865."

Interpretation of Terms.

2. In this Act the following Words shall have the Meanings hereby assigned to them:

"Premises" shall mean and include any House, Barn, Stable, Shed, Loft, Granary, Outhouse, Garden, Stackyard, Court, Close, or inclosed Place:

"Magistrate" shall mean and include the Sheriff and Sheriff Substitute, or any One or more Justice or Justices of the Peace, or any One or more Magistrate or Magistrates, having Jurisdiction respectively in the County or Burgh where any Offence against the Provisions of this Act is committed, or where any Person charged with such Offence is found or brought to Trial:

"Procurator

"Procurator Fiscal" shall mean and include the Procurator Fiscal of the Court having such Jurisdiction.

Parties lodging in Premises or encamping on Land, without Permission, guilty of an Offence.

3. Every Person who lodges in any Premises, or occupies or encamps on any Land, being private Property, without the Consent and Permission of the Owner or legal Occupier of such Premises or Land, and every Person who encamps or lights a Fire on or near any private Road or enclosed or cultivated Land, or in or near any Plantation, without the Consent and Permission of the Owner or legal Occupier of such Road, Land, or Plantation, or on or near any Turnpike Road, Statute Labour Road, or other Highway, shall be guilty of an Offence punishable as herein-after provided.

Apprehension and Punishment of Offenders.

4. Every Person who commits any Offence against the Provisions of this Act may, if found in the Act of committing the same by any Officer of Police or Constable, be apprehended by such Officer or Constable, and detained in any Prison, Police Station, Lock-up, or other Place of safe Custody, and not later than in the course of the next lawful Day after he shall have been so taken into Custody shall be brought before a Magistrate; and every Person charged with the Commission of any such Offence may, if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, be summoned to appear before a Magistrate, and on being convicted of such Offence on his own Confession, or on the Evidence of One or more credible Witnesses, shall for a First Offence be liable to a Penalty not exceeding Twenty Shillings, or to Imprisonment for any Period not exceeding Fourteen Days, and for a Second or any subsequent Offence shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for any Period not exceeding Twenty-one Days.

As to Prosecutions under Act.

5. Every Prosecution for an Offence against the Provisions of this Act shall be raised and proceeded in at the Instance of the Procurator Fiscal, and shall be heard and determined by One or more Magistrate or Magistrates in a summary Form; and every such Prosecution shall be commenced within One Month after the Offence has been committed.

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