

CHAPTER 4. No. 15.

PERJURY.

AN ORDINANCE RELATING TO PERJURY AND KINDRED OFFENCES.

Ordinances,
Cap. 14-1925,
Ord. 14-1939,
s. 9.

[6th May, 1925.]

Commencement.

1. This Ordinance may be cited as the Perjury Ordinance. Short title.

2. In this Ordinance—

“oath,” in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes “affirmation” and “declaration,” and the expression “swear” in the like case includes “affirm” and “declare”;

Interpre-
tation.

“statutory declaration” means a declaration made by virtue of the Statutory Declarations Ordinance;

“indictment” includes “criminal information.”

3. For the purposes of this Ordinance, the forms and ceremonies used in administering an oath are immaterial, if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection, or has declared to be binding on him.

Form of
oath
immaterial.

4. (1) If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury, and shall, on conviction on indictment, be liable to imprisonment for

Perjury.

seven years, or to a fine, or to both such imprisonment and fine.

“Judicial proceeding.”

(2) The expression “judicial proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

Statements before persons authorised to receive same.

(3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this section, be treated as having been made in a judicial proceeding.

Persons sworn in the Colony for purpose of judicial proceedings elsewhere.

(4) A statement made by a person lawfully sworn in the Colony for the purposes of a judicial proceeding—

(a) in another part of His Majesty’s dominions, or

(b) in a British tribunal lawfully constituted in any place by sea or land outside His Majesty’s dominions, or

(c) in a tribunal of any foreign state,

shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in the Colony.

Materiality a question of law.

(5) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial.

False statements on oath made otherwise than in a judicial proceeding.

5. If any person—

(a) being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true, or

(b) wilfully uses any false affidavit for the purposes of the Bills of Sale Ordinance,

he shall be guilty of a misdemeanor and liable to imprisonment for seven years, or to a fine, or to both such imprisonment and fine.

False statements, etc., with reference to marriage.

6. (1) If any person—

(a) for the purpose of procuring a marriage, or a certificate or licence for marriage, knowingly and wilfully makes any

false oath, affidavit, or declaration, or makes or signs any false application, notice, or certificate required under any enactment for the time being in force relating to marriage, or

(b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriages, a false statement as to any particular required by law to be known and registered relating to any marriage, or

(c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

he shall be guilty of a misdemeanor, and shall be liable—

(i) on conviction on indictment, to imprisonment for seven years, or to a fine, or to both such imprisonment and fine; and

(ii) on summary conviction, to a fine of two hundred and forty dollars.

(2) A prosecution on indictment for an offence against this section shall not be commenced more than three years after the commission of the offence.

(3) Summary proceedings for an offence against this section may be instituted at any time within twelve months after the commission of the offence.

7. (1) If any person—

(a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death, or

(b) wilfully makes any false certificate or declaration under or for the purposes of any enactment relating to the registration of births or deaths, or, knowing any such certificate or declaration to be false, uses the same as true or gives or sends the same as true to any person, or

False statements, etc., as to births or deaths.

(c) wilfully makes, gives, or uses any false statement or declaration as to a child born alive as having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born, or

(d) makes any false statement with intent to have the same inserted in any register of births or deaths,

he shall be guilty of a misdemeanor, and shall be liable—

(i) on conviction on indictment, to imprisonment for seven years, or to a fine, or to both such imprisonment and fine; and

(ii) on summary conviction, to a fine of two hundred and forty dollars.

(2) A prosecution on indictment for an offence against this section shall not be commenced more than three years after the commission of the offence.

(3) Summary proceedings for an offence against this section may be instituted at any time within twelve months after the commission of the offence.

8. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made—

(a) in a statutory declaration, or

(b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any enactment for the time being in force, or

(c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any enactment for the time being in force,

he shall be guilty of a misdemeanor and liable to imprisonment for two years, or to a fine, or to both such imprisonment and fine.

9. If any person—

(a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance

False statutory declarations and other false statements without oath.

False declarations, etc., to obtain registration, etc., for carrying on a vocation.

of any enactment for the time being in force of persons qualified by law to practise any vocation or calling, or

(b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid,

by wilfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent, he shall be [guilty of a misdemeanor and liable] to imprisonment for twelve months, or to a fine, or to both such imprisonment and fine.

10. Every person who incites or attempts to procure or suborn another person to commit an offence against this Ordinance shall be [guilty of a misdemeanor and liable] to imprisonment for twelve months, or to a fine, or to both such imprisonment and fine.

Inciting to
commit
perjury.

11. (1) Where two or more inconsistent or contradictory statements of fact or alleged fact, material to the issue or matter in question, have been wilfully made on oath by one and the same witness in any judicial proceeding or proceedings, whether before the same court or tribunal or person or not, such witness shall be guilty of a misdemeanor and liable to imprisonment for seven years, or to a fine, or to both such imprisonment and fine.

Inconsistent
or contra-
dictory
statements.

(2) Upon the trial of any person for an offence under this section, it shall not be necessary to prove the falsity of either of the inconsistent or contradictory statements, but, upon proof that both the statements were made by him, the jury or the Court, as the case may be, if satisfied that the statements, or either of them, were or was made with intent to deceive the court, tribunal, or person before whom the statements, or either of them, were or was made, shall convict the accused.

Ord. 14-1939,
s. 9.

12. (1) Where any of the following authorities, namely, a Judge, Commissioner, Magistrate, Coroner, or Justice is of opinion that any person has, in the course of a proceeding before that authority, been guilty of perjury, the authority may order the prosecution of that person for such perjury, in case there shall appear to be reasonable cause for such prosecution, and may commit him to prison, or admit him to

Power to
direct a
prosecution
for perjury.

bail, pending such prosecution, and may require any person to enter into a recognizance to prosecute or give evidence against the person whose prosecution is so ordered, and may give the person so bound to prosecute a certificate of the making of the order for the prosecution, for which certificate no charge shall be made.

(2) An order made or a certificate given under this section shall not be given in evidence for the purpose or in the course of any trial of a prosecution resulting therefrom.

Form of
indictment:
For perjury.

13. (1) In an indictment—

(a) for making any false statement or false representation punishable under this Ordinance, or

(b) for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, solemn declaration, statutory declaration, affidavit, deposition, application, notice, certificate, or other writing, or

(c) for wilfully making inconsistent or contradictory statements on oath in a judicial proceeding or proceedings, it shall be sufficient to set forth the substance of the offence charged, and before which court or person (if any) the offence was committed, without setting forth the proceedings or any part of the proceedings in the course of which the offence was committed, and without setting forth the authority of any court or person before whom the offence was committed.

For aiding
and abetting.

(2) In an indictment for aiding, abetting, counselling, suborning, or procuring any other person to commit any offence hereinbefore in this section mentioned, or for conspiring with any other person, or with attempting to suborn or procure any other person, to commit any such offence, it shall be sufficient—

(a) where such offence has been committed, to allege that offence, and then to allege that the defendant procured the commission of that offence; and

(b) where such offence has not been committed, to set forth the substance of the offence charged against the defendant without setting forth any matter or thing which it is unnecessary to aver in the case of an indictment for a false statement or false representation punishable under this Ordinance.

14. Except in cases coming within the provisions of section 12, no complaint for perjury shall be laid without the consent in writing of the Attorney General.

Consent of
Attorney
General.

15. A person shall not be liable to be convicted of any offence against this Ordinance, or of any offence declared by any other enactment to be perjury or subornation of perjury or to be punishable as perjury or subornation of perjury, solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

Corroborati-
on.

16. On a prosecution—

(a) for perjury alleged to have been committed on the trial of an indictment for felony or misdemeanor, or

(b) for procuring or suborning the commission of perjury on any such trial,

Proof of
certain pro-
ceedings
on which
perjury is
assigned.

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the Registrar or other officer having the custody of the records of the court where the indictment was tried, without proof of the signature or official character of the person appearing to have signed the certificate.

17. (1) Where the making of a false statement is not only an offence under this Ordinance, but also by virtue of some other enactment is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than imprisonment or fine, the liability of the offender under this Ordinance shall be in addition to and not in substitution for his liability under such other enactment.

Savings.

(2) Nothing in this Ordinance shall apply to a statement made without oath by a child under the provisions of the Children Ordinance.

(3) Where the making of a false statement is by any other enactment, whether passed before or after the commencement of this Ordinance, made punishable on summary conviction, proceedings may be taken either under such other enactment or under this Ordinance.