

TRINIDAD AND TOBAGO.

No. 6—1925.

C.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

17th March, 1925.

AN ORDINANCE to consolidate and amend the law relating to Accessories to and Abettors of Indictable Offences.

[17th March, 1925.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Accessories and Abettors Ordinance, 1925. Short title.

2. In this Ordinance, unless the context otherwise requires, the expressions— Interpretation.

“Felony” and “Misdemeanor” mean respectively a felony and a misdemeanor at common law or by virtue of any Act of the Imperial Parliament, Ordinance or Royal Order in Council in force or to be in force in the Colony.

[Price 2d.]

Accessories before the fact.

Accessories before the fact may be tried and punished as principals.

3. Whosoever shall become an accessory before the fact to any felony may be indicted, tried, convicted and punished in all respects as if he were the principal felon.

Accessories before the fact may be indicted as such, or as substantive felons.

4. Whosoever shall counsel, procure, or command any other person to commit any felony, shall be guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

Accessories after the fact.

Accessories after the fact may be indicted as such, or as substantive felons.

5. Whosoever shall become an accessory after the fact to any felony, may be indicted and convicted either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

Punishment of accessories after the fact.

6. Every accessory after the fact to any felony (except where it is otherwise specially enacted), shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding two years.

Accessories generally.

Prosecution of accessory after principal felon has been convicted.

7. If any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, notwithstanding such principal felon shall die, or be pardoned, or otherwise delivered before receiving judgment, and every such

accessory shall upon conviction suffer the same punishment as he would have suffered if judgment had passed upon the principal felon.

8. Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

Several accessories may be included in the same indictment although principal felon not included.

Abettors in Misdemeanors.

9. Whosoever shall aid, abet, counsel or procure the commission of any misdemeanor, shall be liable to be tried, indicted and punished as a principal offender.

Abettors in misdemeanors.

10. Sections 39 to 41 (both inclusive) of the Criminal Procedure Ordinance, No. 13, and section 10 of the Criminal Offences Ordinance, No. 22, are hereby repealed.

Repeal.

Passed in Council this twenty-seventh day of February, in the year of Our Lord one thousand nine hundred and twenty-five.

JOHN DE NOBRIGA,
Acting Clerk of the Council.

OBJECTS AND REASONS.

It is proposed by this Bill to consolidate the existing law relating to Accessories to and Abettors of Indictable Offences and also to introduce certain new provisions which do not at present appear in the local laws.

Accordingly clauses 3, 6 and 9 of the Bill reproduce the provisions of section 10 of the Criminal Offences Ordinance, No. 22, relating to the punishment of accessories before and after the fact respectively, and clauses 4, 7 and 8 reproduce sections 39 to 41 of the Criminal Procedure Ordinance, No. 13.

Clause 5 the Bill is new and regulates the procedure regarding the trial of accessories *after* the fact to felonies, by providing that they may be tried either with the principal felon or after the conviction of the principal felon, or may be indicted and convicted as substantive felons.