



TRINIDAD AND TOBAGO.

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[L.S.]

I ASSENT,

J. HUGGINS,
Acting Governor.

13th April, 1939.

AN ORDINANCE to amend the Criminal Procedure
Ordinance, Cap. 5.

Commencement.

[20th April, 1939.]

ENACTED by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof.

Short title.
Construction
Cap. 5.

1. This Ordinance may be cited as the Criminal Procedure
(Amendment) Ordinance, 1939, and shall be construed
as one with the Criminal Procedure Ordinance, hereinafter
referred to as the Principal Ordinance.

2. Section 64A of the Principal Ordinance, as enacted by section 4 of the Criminal Procedure (Amendment) Ordinance, 1936, is hereby repealed and replaced by the following :—

Section 64A
of the
Principal
Ordinance
replaced.

64A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

Offence of
infanticide.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section fifty-nine of the Offences against the Person Ordinance, except that for the purposes of the proviso to that section a child shall be deemed to have recently been born if it had been born within twelve months before its death.

Cap. 8.

(4) The said section fifty-nine shall apply in the case of the acquittal of a woman upon an indictment for infanticide as it applies upon the acquittal of a woman upon an indictment for murder.

Passed in Council this 24th day of March, in the year of Our Lord one thousand nine hundred and thirty-nine.

W. E. BOARDMAN,
Clerk of the Council.