

**Fourth Session Second Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 19 of 1985

[L.S.]

AN ACT to amend the Offences against the Person
Act, Chap. 11:08

[Assented to 21st May, 1985]

ENACTED by the Parliament of Trinidad and Tobago as **Enactment**
follows:—

1. This Act may be cited as the Offences against the **Short title**
Person (Amendment) Act, 1985.

Amendment
of Offences
against the
Person Act
Chap. 11:08

2. The Offences against the Person Act is amended by inserting immediately after section 4 the following sections:

"Diminished
responsibility

4A. (1) Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omissions in doing or being a party to the killing.

(2) On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder.

(3) A person who but for this section would be liable, whether as principal or as accessory, to be convicted of murder is liable instead to be convicted of manslaughter.

(4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

(5) Where on a trial for murder the accused contends—

(a) that at the time of the alleged offence he was insane so as not to be responsible according to law for his actions; or

(b) that at that time he was suffering from such abnormality of mind as is specified in subsection (1),

the court shall allow the prosecution to adduce or elicit evidence tending to prove the other of those contentions, and may give directions as to the stage of the proceedings at which the prosecution may adduce such evidence.

(6) Where on a trial for murder—

(a) evidence is given that the accused was at the time of the alleged offence suffering from such abnormality of mind as is specified in subsection (1); and

(b) the accused is convicted of manslaughter,

the court shall require the jury to declare whether the accused was so convicted by them on the ground of such abnormality of mind and, if the jury declare that the conviction was on that ground, the court may, instead of passing such sentence as is provided by law for that offence, direct the finding of the jury to be recorded, and thereupon the court may order such person to be detained in safe custody, in such place and manner as the court thinks fit until the President's pleasure is known.

(7) The court shall as soon as practicable, report the finding of the jury and the detention of the person to the President who shall order the person to be dealt with as a mentally ill person in accordance with the laws governing the care and treatment of such persons or in any other manner he may think necessary.

Provocation

4B. Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or by things said or by both together) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury; and in determining that question the jury shall take into account everything both done and said according to the effect which, in their opinion, it would have on a reasonable man."

3. (1) Subject to subsection (2) this Act applies to offences committed wholly or partly before the date of its commencement as it applies to offences committed after that date.

Application
of Act

(2) This Act does not apply to an offence where an indictment for that offence has been signed before the date of the commencement of this Act.

Passed in the Senate this 20th day of March, 1985.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 10th day of May, 1985.

J. E. CARTER
Clerk of the House