

CHAPTER 4. No. 16.

ACCESSORIES AND ABETTORS.

Ordinances AN ORDINANCE RELATING TO THE TRIAL AND PUNISHMENT OF
 Cap. 21-1925. ACCESSORIES TO AND ABETTORS OF OFFENCES.
 „ 25-1925,
 s. 111.

Commencement. [17th March, 1925.]

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

Interpretation. 2. In this Ordinance, “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.

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.

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.

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

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 for two years.

Punishment of accessories after the fact.

Accessories generally.

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.

Prosecution of accessory after principal felon has been convicted.

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.

Abettors in summary offences.

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10. (1) Any person who shall aid, abet, counsel, or procure the commission of any offence punishable on summary conviction shall be liable to the same punishment as the principal offender, and may be proceeded against either with such principal offender, or before or after his conviction, and either in the district in which such principal offender may be convicted or that in which the offence of aiding, abetting, counselling, or procuring may have been committed.

(2) Any person so aiding, abetting, counselling, or procuring may be tried before any Magistrate or Justice having cognizance of the principal offence.