

PERJURY ACT

CHAPTER 11:14

Act

15 of 1925

Amended by

14 of 1939

172/1961

136/1976

45 of 1979

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 11:14

PERJURY ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 11:14

PERJURY ACT

An Act relating to Perjury and kindred offences.

1950 Ed.
Ch. 4, No. 15.
15 of 1925
Commencement.

[6TH MAY 1925]

Short title.

1. This Act may be cited as the Perjury Act.

Interpretation.
[45 of 1979].
Ch. 7:04.

2. In this Act “statutory declaration” means a declaration made by virtue of the Statutory Declarations Act.

Form of oath
immaterial.

3. For the purposes of this Act 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.

Perjury.

4. (1) Any person who, 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 is guilty of perjury and on conviction on indictment is liable to a fine and to imprisonment for seven years.

“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.

- (4) A statement made by a person lawfully sworn in Trinidad and Tobago for the purposes of a judicial proceeding—
- (a) in another Commonwealth country;
 - (b) in a tribunal of a Commonwealth country lawfully constituted in any place by sea or land outside the Commonwealth; or
 - (c) in a tribunal of any foreign state,

Persons sworn in Trinidad and Tobago for purposes of judicial proceedings elsewhere.

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

- (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.

Materiality a question of law.

5. Any person who—

- (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 Act,

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

Ch. 82:32.

is liable, on conviction on indictment, to a fine and to imprisonment for seven years.

6. (1) Any person who—

- (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 written law for the time being in force relating to marriage;
- (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

False statements, etc., with reference to marriage.

- (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,

is liable—

- (i) on conviction on indictment, to a fine and to imprisonment for seven years;
- (ii) on summary conviction, to a fine of two thousand 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.

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

7. (1) Any person who—

- (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;
- (b) wilfully makes any false certificate or declaration under or for the purposes of any written law 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;
- (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, is liable—

- (i) on conviction on indictment, to a fine and to imprisonment for seven years;
- (ii) on summary conviction, to a fine of two thousand 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. Any person who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made—

False statutory declarations and other false statements without oath.

- (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 written law 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 written law for the time being in force,

is liable, on conviction on indictment, to a fine and to imprisonment for two years.

9. Any person who—

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any written law 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,

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

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, is liable on conviction on indictment, to a fine and to imprisonment for twelve months.

Inciting to
commit perjury.

10. Any person who incites or attempts to procure or suborn another person to commit an offence against this Act, is liable, on conviction on indictment, to a fine and to imprisonment for twelve months.

Inconsistent or
contradictory
statements.

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 is liable on conviction on indictment to a fine and to imprisonment for seven years.

(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.

Power to direct
a prosecution
for perjury.
[18 of 1994].

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 the perjury where there appears to be reasonable cause for the prosecution, and may commit him to prison, or grant him bail, pending the prosecution, and may require any person to enter into a recognisance 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.

13. (1) In an indictment—

- (a) for making any false statement or false representation punishable under this Act;
- (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,

Form of
indictment:
For perjury.

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.

(2) In an indictment for aiding, abetting, counselling, suborning or procuring any other person to commit any offence mentioned in subsection (1) 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—

For aiding and
abetting.

- (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 Act.

Consent of
D.P.P.
[172/1961,
136/1976].

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 Director of Public Prosecutions.

Corroboration.

15. A person shall not be liable to be convicted of any offence against this Act, or of any offence declared by any other written law 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.

Proof of certain
proceedings on
which perjury is
assigned.
[45 of 1979].

16. On a prosecution—

- (a) for perjury alleged to have been committed on the trial of an indictment for an indictable offence; or
- (b) for procuring or suborning the commission of perjury on any such trial,

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 of the Supreme Court 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.

Savings.

17. (1) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other written law 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 Act shall be in addition to and not in substitution for his liability under such other written law.

Ch. 46:01.

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

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