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No. 15—1925.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

6th May, 1925.

AN ORDINANCE to consolidate, simplify, and amend the law relating to Perjury and kindred offences.

[6th May, 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 Perjury Ordinance, Short title. 1925.

2. In this Ordinance, unless the context otherwise requires— Interpre-
tation.

“ Oath,” in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes “ Affirmation ” and “ Declaration,” and the expression “ Swear ” in the like case includes “ Affirm ” and “ Declare ” ;

“ Statutory Declaration ” means a declaration made by virtue of the Statutory Declarations Ordinance, 1908 ; (23-1908)

“ Indictment ” includes “ criminal information,”

[Price 6d.]

Interpre-
tation.

3. For the purposes of this Ordinance, 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) If any person 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, he shall be guilty of perjury, and shall, on conviction thereof on indictment, be liable to imprisonment, with or without hard labour, for a term not exceeding seven years, or to a fine, or to both such imprisonment and fine.

“ 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
authorized
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 authorized 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.

Persons
sworn in the
Colony for
purpose of
judicial
proceedings
elsewhere.

(4) A statement made by a person lawfully sworn in the Colony for the purposes of a judicial proceeding—

- (a) in another part of His Majesty's dominions ; or
- (b) in a British tribunal lawfully constituted in any place by sea or land outside His Majesty's dominions ; or

(c) in a tribunal of any foreign state,
shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in the Colony.

Materiality a
question
of law.

(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.

5. If any person—

- (1) being required or authorized 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
- (2) wilfully uses any false affidavit for the purposes of the Bills of Sale Ordinance, No. 63,

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

he shall be guilty of a misdemeanor, and, on conviction thereof on indictment, shall be liable to imprisonment, with or without hard labour, for a term not exceeding seven years, or to a fine, or to both such imprisonment and fine.

6.—(1) If any person—

- (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 enactment for the time being in force relating to marriage; or
- (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
- (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,

False statements, &c., with reference to marriage.

he shall be guilty of a misdemeanor, and shall be liable—

- (i) On conviction thereof on indictment, to imprisonment, with or without hard labour, for a term not exceeding seven years, or to a fine, or to both such imprisonment and fine; and
- (ii) On summary conviction thereof before a Magistrate, to a penalty not exceeding fifty pounds.

(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, &c., as to births or deaths.

7.—(1) If any person—

(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 ; or

(b) Wilfully makes any false certificate or declaration under or for the purposes of any enactment 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 ; or

(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,

he shall be guilty of a misdemeanor, and shall be liable—

(i) On conviction thereof on indictment, to imprisonment, with or without hard labour, for a term not exceeding seven years, or to a fine, or to both such imprisonment and fine ; and

(ii) On summary conviction thereof before a Magistrate, to a penalty not exceeding fifty pounds.

(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. If any person 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 authorized or required to make, attest, or verify, by any enactment 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 enactment for the time being in force,

he shall be guilty of a misdemeanor, and shall be liable on conviction thereof on indictment to imprisonment, with or without hard labour, for any term not exceeding two years, or to a fine, or to both such imprisonment and fine.

9. If any person—

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any enactment 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, &c., to obtain registration, &c., 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, he shall be guilty of a misdemeanor, and shall be liable on conviction thereof on indictment to imprisonment, with or without hard labour, for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

10. Every person who incites or attempts to procure or suborn another person to commit an offence against this Ordinance shall be guilty of a misdemeanor, and

Inciting to commit perjury.

shall be liable on conviction thereof on indictment to imprisonment, with or without hard labour, for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

Inconsistent
or contra-
dictory
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 shall be guilty of a misdemeanor, and, on conviction thereof on indictment, shall be liable to imprisonment, with or without hard labour, for a term not exceeding seven years, or to a fine, or to both such imprisonment and fine.

(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, 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.

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 such perjury, in case there shall appear to be reasonable cause for such prosecution, and may commit him to prison, or admit him to bail, pending such prosecution, and may require any person to enter into a recognizance 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—

Form of
indictment :
For perjury.

- (a) for making any false statement or false representation punishable under this Ordinance ; or
- (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,
- (c) for wilfully making inconsistent or contradictory statements on oath in a judicial proceeding or proceedings

it is 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 hereinbefore in this section mentioned, or for conspiring with any other person, or with attempting to suborn or procure any other person, to commit any such offence, it is 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 Ordinance.

14. Except in cases coming within the provisions of section 12 of this Ordinance, no complaint for perjury shall be laid without the consent in writing of the Attorney-General.

Consent of
Attorney-
General.

Corrobor-
ation.

15. A person shall not be liable to be convicted of any offence against this Ordinance, or of any offence declared by any other enactment 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 pro-
ceedings
on which
perjury is
assigned.

16. On a prosecution—

(a) for perjury alleged to have been committed on the trial of an indictment for felony or misdemeanor ; 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 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 Ordinance, but also by virtue of some other enactment 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 Ordinance shall be in addition to and not in substitution for his liability under such other enactment.

(1-1925)

(2) Nothing in this Ordinance shall apply to a statement made without oath by a child under the provisions of the Children Ordinance, 1925.

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

Repeal.

18. The enactments mentioned in the Schedule to this Ordinance are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE.
ENACTMENTS REPEALED.

No. or No. and year of Ordinance.	Short title.	Extent of Repeal.
13	The Criminal Procedure Ordinance	Sections 45, 46, 47 and 48.
22	The Criminal Offences Ordinance	Section 3.
41	The Arbitration Ordinance ..	Section 21.
56	The Registration Ordinance ..	In section 40, paragraph (1); and in paragraph (2), the words "wilfully makes any false certificate or declaration under or for the purposes of this Ordinance or"; and paragraphs (3) and (4).
60	The Real Property Ordinance ..	In section 145, the words "and any person making" to the end of the section.
63	The Bills of Sale Ordinance ..	Section 21, from "whoever" to the end of the section.
112	The Newspaper Ordinance ..	Sections 8 and 22.
119	The Commissions of Enquiry Ordinance	Section 11.
210	The Municipal Corporations Ordinance	Section 12 from "and if any person" to the end of the section.
287	The Perjury Ordinance ..	The whole.
22-1908	The Commissioners of Affidavits Ordinance, 1908	Section 5.
23-1908	The Statutory Declarations Ordinance, 1908	Section 4.
25-1908	The Estate Duty Ordinance, 1908	Section 23.
9-1911	The Petty Civil Courts Ordinance, 1911	Section 41.
31-1913	The Companies Ordinance, 1913	Section 206.
7-1916	The Merchant Shipping Ordinance, 1916	Section 90.
17-1917	The Perjury (summary punishment) Ordinance, 1917	The whole.
32-1917	The Oaths Ordinance, 1917 ..	Sub-section (2) of section 6.
45-1917	The Friendly Societies Ordinance, 1917	Sub-section (2) of section 82.
13-1923	The Marriage Ordinance, 1923 ..	Section 36.
4-1924	The Perjury (Summary Punishment) (Amendment) Ordinance, 1924	The whole.

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

E. F. AANENSEN,
Acting Clerk of the Council.

OBJECTS AND REASONS.

It will be seen from the Schedule to this Bill that provisions dealing with the offence of Perjury are at present scattered through a considerable number of Ordinances, and the object of the Bill is to embody, as far as possible, all those provisions in one general enactment. The Bill follows, as closely as local circumstances permit, the Perjury Act, 1911 (1 and 2 Geo. V. c. 6), with a few additional provisions taken from the Criminal Justice Bill of 1924, and is designed to be a complete codification of the local law relating to Perjury with the exception of the provisions of Ordinance No. 17 of 1917 for the summary punishment of this offence.