

LAWS OF TRINIDAD AND TOBAGO

OFFENCES AGAINST THE PERSON ACT

CHAPTER 11:08

Act
10 of 1925
Amended by
2 of 1939
14 of 1939
28 of 1973
11 of 1979
19 of 1979
45 of 1979
3 of 1980
19 of 1985

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-6/2	1/1990
7-12	1/1980
13-14	1/1981
15-23	1/1980

Note

on

Subsidiary Legislation

This Chapter contains no subsidiary legislation

Corrigenda

- (a) At page 9—
- (i) in section 19, delete the Marginal Note and substitute the following—
“On indictment under section 17 jury may find verdict under section 18”.
 - (ii) in section 23, in the Marginal Note thereof, for the word “grevious”, substitute the word “grievous”.
- (b) At page 10, in section 24, in line 4 thereof, delete the word “is” occurring after the words “any person”.
- (c) At page 15, in section 41, in line 3, for the words “Section 32” substitute the words “Section 32(1)”.
- (d) At page 19, in section 51—
- (i) in the marginal note thereto, insert the reference “[3 of 1980]”;
 - (ii) in subsection (1), in the last line thereof, for the word “six” substitute the word “twelve”.
- (e) At page 20, in section 53, for the words “the Corporal Punishment Act” occurring at the end of this section substitute the words “the Corporal Punishment (Offenders Not Over Sixteen) Act and the Corporal Punishment (Offenders Over Sixteen) Act”; and immediately below the marginal reference “Ch. 13:03” insert the marginal reference “Ch. 13:04”.
- (f) At page 22, in section 59, in the Marginal Note thereof, for the word “Sodomy”, substitute the word “Buggery”.
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CHAPTER 11:08

OFFENCES AGAINST THE PERSON ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 11:08

OFFENCES AGAINST THE PERSON ACT

An Act relating to Offences against the Person.

[3RD APRIL, 1925.]

1950 Ed.
Ch. 4 No. 9.
10 of 1925.
Commence-
ment.

Short title.

1. This Act may be cited as the Offences against the Person Act.

Interpretation.
[11 of 1979].

2. (1) In this Act "constable" means any member of the Police Service, and includes the Special Reserve Police and any rural, estate, city, or borough constable.

*(2) The use in any provision of section 32, 33 or 42 of the word "man" without the addition of the word "boy" or vice versa shall not prevent the provision applying to any person to whom it would have applied if both words had been used and similarly with the words "woman" and "girl".

Rule of
Construction
Application of
law of
England.

3. Any person who commits any act or acts which if done or committed in England would amount to or constitute the offence of murder, manslaughter, buggery or rape, shall be deemed guilty of murder, manslaughter, buggery or rape, as the case may be; and every offence mentioned in this Act which would be an indictable offence according to the law of England shall be and is deemed to be an indictable offence in Trinidad and Tobago.

†HOMICIDE

Murder.
[45 of 1979].

4. Every person convicted of murder shall suffer death.

"Diminished
responsibility."
[19 of 1985].

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.

*See section 6 of Act 11 of 1979.

†See Criminal Procedure Act, ss 62-68.

(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.
[19 of 1985].

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.

Application of
sections 4A and
4B.
[19 of 1985].

4c. (1) Subject to subsection (2), sections 4A and 4B apply to offences committed wholly or partly before the 21st May, 1985 as they apply to offences committed after that date.

(2) Sections 4A and 4B do not apply to an offence where an indictment for that offence has been signed before the 21st May, 1985.

5. Any person who—

- (a) conspires, confederates and agrees with any person to murder another person, whether or not that other person is a citizen of Trinidad and Tobago or is within Trinidad and Tobago; or
- (b) solicits, encourages, persuades or endeavours to persuade, or proposes to any person to murder any other person, whether or not the person intended to be murdered is a citizen of Trinidad and Tobago, or is within Trinidad and Tobago,

is liable to imprisonment for ten years.

6. Any person who is convicted of manslaughter is liable to imprisonment for life or for any term of years, or to pay such fine as the Court shall award.

Manslaughter.

7. No punishment shall be incurred by any person who kills another person by misfortune or in his own defence, or in any other manner without criminality.

Excusable homicide.
[45 of 1979].

8. Where any person who is criminally stricken, poisoned or otherwise hurt upon the sea, or at any place out of Trinidad and Tobago, dies of such stroke, poisoning, or hurt in Trinidad and Tobago, or is criminally stricken, poisoned or otherwise hurt in Trinidad and Tobago, dies of the stroke, poisoning or hurt upon the sea, or at any place out of Trinidad and Tobago, every offence committed in respect of any such case, whether the same amounts to the offence of murder or of manslaughter, may be dealt with, enquired of, tried, determined and punished in Trinidad and Tobago in the same manner in all respects as if the offence had been wholly committed in Trinidad and Tobago.

Murder, etc., where hurt abroad and death in Trinidad and Tobago or vice versa.
[45 of 1979].

9. Any person who attempts to commit murder is liable to imprisonment for life or for any term of years.

By any other means attempting to commit murder.
[45 of 1979].

LETTERS THREATENING TO MURDER

10. Any person who maliciously sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, is liable to imprisonment for seven years.

Sending letters threatening to murder.

ACTS CAUSING OR TENDING TO CAUSE DANGER TO LIFE OR BODILY HARM

11. Any person who unlawfully and maliciously prevents or impedes any person, being on board of or having quitted any ship or vessel which is in distress, or wrecked, stranded or cast on shore, in his endeavour to save his life, or unlawfully and maliciously prevents or impedes any person in his endeavour to save the life of any such person as first mentioned in this section is liable to imprisonment for seven years.

Impeding a person endeavouring to save himself from shipwreck.

Shooting or wounding with intent to do grievous bodily harm.
[45 of 1979].

12. Any person who unlawfully and maliciously by any means whatsoever wounds or causes any grievous bodily harm to any person, or shoots at any person with intent to do some grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, is liable to imprisonment for fifteen years.

What shall constitute loaded arms.

13. Any gun, pistol, or other arm which is loaded in the barrel with gunpowder or any other explosive substance, and any ball, shot, slug or other destructive material shall be deemed to be loaded arms within the meaning of this Act; although the attempt to discharge the same may fail from want of proper priming or from any other cause.

Inflicting injury with or without weapon.

14. Any person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person either with or without any weapon or instrument is liable to imprisonment for five years.

Attempting to choke, etc., in order to commit any indictable offence.

15. Any person who by any means whatsoever attempts to choke, suffocate or strangle any other person, or by any means calculated to choke, suffocate or strangle or attempts to render any other person insensible, unconscious or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, is liable to imprisonment for fifteen years.

Using drug, etc., with intent to commit offence.

16. Any person who unlawfully applies or administers to, or causes to be taken by, or attempts to apply or administer to, or attempts to cause to be administered to or taken by, any person, any chloroform, laudanum or other stupefying or overpowering drug, matter or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence, is liable to imprisonment for fifteen years.

Administering poison, etc., so as to endanger life or inflict grievous bodily harm.

17. Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of that person, or so as thereby to inflict upon that person any grievous bodily harm, is liable to imprisonment for fifteen years.

18. Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy, such person is liable to imprisonment for five years.

Administering
poison, etc.,
with intent to
injure or annoy.

19. If, upon the trial of any person for an offence under section 17, the jury are not satisfied that such person is guilty of that offence but are satisfied that he is guilty of an offence under section 18, then and in every such case the jury may acquit the accused of the offence under section 17 and find him guilty of the offence under section 18 and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for the offence under section 18.

If jury are not
satisfied of
felony they may
find
misdemeanor.

20. Any person legally liable, either as a master or mistress, to provide for an apprentice or servant, necessary food, clothing or lodging, who wilfully and without lawful excuse refuses or neglects to provide the same, or who unlawfully and maliciously does or causes to be done any bodily harm to any such apprentice or servant so that the life of the apprentice or servant is endangered, or the health of the apprentice or servant is or is likely to be permanently injured, is liable to imprisonment for five years.

Not providing
apprentices or
servants with
food etc.,
whereby life
endangered.

21. Any person who unlawfully abandons or exposes any child under the age of two years so that the life of the child is endangered or the health of the child is or is likely to be permanently injured, is liable to imprisonment for five years.

Exposing
children so that
life endangered.

22. Any person who unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burns, maims, disfigures, disables or does any grievous bodily harm to any person, is liable to imprisonment for life or for any term of years.

Causing bodily
injury by
explosive
substance.

23. Any person who unlawfully and maliciously causes any gunpowder or other explosive substance to explode, or sends or delivers to, or causes to be taken or received by, any person any gunpowder or other explosive substance, or any other dangerous or noxious thing, or puts or lays at any place, or casts or throws at or upon or otherwise applies to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases mentioned above to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person is, whether any bodily injury is effected or not, liable to imprisonment for life or for any term of years.

Use of
explosive
substance or
other noxious
thing, with
intent to do
grievous bodily
harm.

Attempt to
blow up
buildings, etc.

24. Any person who unlawfully and maliciously places or throws in, into, upon, against or near any building, ship or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, is, whether or not any explosion takes place, and whether or not any bodily injury is effected, is liable to imprisonment for life or for any term of years.

Setting
spring-guns,
man-traps, etc.

25. (1) Any person who sets or places, or causes to be set or placed any spring-gun, man-trap or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, is liable to imprisonment for five years.

(2) Any person who knowingly and wilfully permits any such spring-gun, man-trap or other engine which may have been set or placed in any place then being in or afterwards, coming into his possession or occupation by some other person to continue so set or placed, shall be deemed to have set and placed the gun, trap, or engine with the intent as mentioned above.

Traps for
vermin.

(3) Nothing contained in this section shall extend to make it illegal to set or place any gun or trap, such as may have been or may be usually set or placed with the intent of destroying vermin.

Protection of
dwelling-house.

(4) Further, nothing in this section shall be deemed to make it unlawful to set or place, or cause to be set or placed, or to be continued set or placed, from sunset to sunrise, any spring-gun, man-trap, or other engine which is set or placed, or caused or continued to be set or placed, in a dwelling-house, for the protection thereof.

Drivers of
vehicles
injuring persons
by furious
driving.

26. (1) Any person, having the charge of any vehicle, who, by wanton or furious driving, or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person whatsoever, is liable to imprisonment for four years.

(2) In this section, the expression "vehicle" includes a carriage, hackney carriage, motor car, motor cab, motor van, motor lorry, motor omnibus, motor cycle, tram car, cart, agricultural cart, hand cart, tricycle and bicycle.

ASSAULTS

27. Any person who by threats or force, obstructs or prevents, or endeavours to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any church-yard or other burial place, or who strikes or offers any violence to, or upon any civil process, or under the pretence of executing any civil process, arrests any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties mentioned in this section, or who to the knowledge of the offender is going to perform the same or returning from the performance thereof, is liable to imprisonment for four years.

Obstructing or assaulting a clergyman or other minister in the discharge of his duties.

28. Any person who assaults and strikes or wounds any Magistrate, officer or other person whatsoever lawfully authorised, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods or effects wrecked, stranded or cast on shore, or lying under water is liable to imprisonment for four years.

Assaults on persons saving shipwrecked property.

29. Any person who assaults, resists, or wilfully obstructs any Magistrate, Justice, constable, peace officer or revenue officer in the due execution of his duty, or any person acting in aid of the Magistrate, Justice, constable, peace officer, or revenue officer, or assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, is liable to imprisonment for four years.

Assault on peace, officers, etc.
[45 of 1979]

30. Any person who is convicted upon an indictment of any assault occasioning actual bodily harm is liable to imprisonment for five years; and any person who is convicted upon an indictment for a common assault is liable to a fine of four thousand dollars and to imprisonment for two years.

Assault occasioning bodily harm.

Common assault.

RAPE, ABDUCTION, AND DEFILEMENT OF WOMEN, ETC.

31. (1) Any person who is convicted of the crime of rape is liable to imprisonment for life or for any term of years.

Rape.

(2) Every person who induces a married woman to permit him to have connection with her by personating her husband shall be deemed to be guilty of rape.

Incest.
[11 of 1979].

32. (1) A man who has sexual intercourse with a woman whom he knows to be his grand-daughter, daughter, sister or mother is guilty of the offence of incest and liable on conviction on indictment to imprisonment, if the woman is under the age of thirteen years, for life, and otherwise for seven years.

(2) A woman of the age of eighteen years or over who permits a man whom she knows to be her grand-father, father, brother or son to have sexual intercourse with her with her consent is guilty of the offence of incest and liable on conviction on indictment to imprisonment for seven years.

(3) In this section, any expression importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock, and "brother" includes half-brother and "sister" includes half-sister.

Divestment of
authority.
[11 of 1979].

33. (1) On a man's conviction of an offence under section 32 against a girl under the age of eighteen, or of attempting to commit such an offence, the court may by order divest him of all authority over her.

(2) An order divesting a man of authority over a girl under subsection (1) may, if he is her guardian, remove him from the guardianship.

(3) An order under this section may appoint a person to be the girl's guardian during her minority or any less period.

(4) An order under this section may be varied from time to time or rescinded by the High Court.

Carnal
knowledge of
girl under 14.
[19 of 1979].

34. (1) Any person who unlawfully and carnally knows any girl under the age of fourteen years is liable to imprisonment for life or for any term of years.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of fourteen years is liable to imprisonment for four years.

(3) Subject to subsection (4), it shall be a defence for a person charged under this section to prove that he believed that the girl was not under the age of fourteen years and he had reasonable cause for the belief.

(4) The defence referred to in subsection (3) shall be available to a person charged under this section only if at the time of the alleged offence—

- (a) the girl was not under the age of thirteen years and;
- (b) the person charged was under the age of twenty-four years and was not on any previous occasion charged with a sexual offence.

35. (1) Any person who unlawfully and carnally knows or attempts to have unlawful carnal knowledge of any mentally subnormal female under circumstances which do not amount to rape but which prove that the offender knew at the time of the commission of the offence that the female was mentally subnormal is liable to imprisonment for four years.

Carnal knowledge of mentally subnormal female. [19 of 1979].

(2) In this section "mentally subnormal" has the meaning ascribed to it under the Mental Health Act.

Ch 28: 02.

36. (1) Any person who being the owner or occupier of any premises or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of fourteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is liable to imprisonment for five years.

Householder, etc. permitting defilement of young girl on his premises. [19 of 1979].

(2) It shall be a defence for a person charged under this section to prove that he did not know or had no reason to believe or suspect that the girl was under the age of fourteen years.

37. (1) Any person who—

- (a) procures or attempts to procure any girl or woman under eighteen years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal connection, either within or without Trinidad and Tobago, with any other person or persons;
- (b) procures or attempts to procure any woman or girl to become, either within or without Trinidad and Tobago, a common prostitute;
- (c) procures or attempts to procure any woman or girl to leave Trinidad and Tobago, with intent that she may become an inmate of or frequent a brothel elsewhere; or
- (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Trinidad and Tobago (such place not being a brothel), with intent

Procuration. [28 of 1973].

that she may, for the purposes of prostitution, become an inmate of or frequent a brothel within or without Trinidad and Tobago,

is liable to imprisonment for two years.

(2) A person shall not be convicted of an offence under subsection (1) upon the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

(3) A constable may take into custody without a warrant any person whom he has good cause to suspect of having committed, or of attempting to commit, any offence against this section.

Procuring
defilement of
woman or girl
by threats, false
pretences, or
use of drugs,
etc.

38. (1) Any person who—

- (a) by threats or intimidation, procures or attempts to procure any woman or girl to have any unlawful carnal connection, either within or without Trinidad and Tobago;
- (b) by false pretences or false representation, procures any woman or girl, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Trinidad and Tobago; or
- (c) applies, administers to or causes to be taken by, any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is liable to imprisonment for two years.

(2) A person shall not be convicted of an offence under subsection (1) upon the evidence of one witness only, unless the witness is corroborated in some material particular by evidence implicating the accused.

Abduction of
girl under 16,
with intent to
have carnal
knowledge.

39. (1) Any person who, with intent that any unmarried girl under the age of sixteen years should be unlawfully and carnally known by any man, whether the carnal knowledge is intended to be with any particular man or generally, takes or causes to be taken the girl out of the possession and against the will of her father or mother or any other person having the lawful care or charge of her is liable to imprisonment for two years.

(2) It is a sufficient defence to any charge under subsection (1) if it appears to the Court or jury before whom the charge is brought that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

40. (1) Any person who detains any woman or girl against her will—

Detention with intent to have carnal knowledge.

(a) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or

(b) in any brothel,

is liable to imprisonment for two years.

(2) Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain the woman or girl in or upon the premises or in the brothel, if, with intent to compel or induce her to remain in or upon the premises or in the brothel, that person withholds from the woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to the woman or girl by or by the direction of the person, the person threatens the woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

Withholding wearing apparel.

(3) No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave the premises or brothel.

41. If, upon the trial of any indictment for rape, or any offence made an arrestable offence by section 34, the jury are satisfied that the defendant is guilty of an offence under sections 32, 34, 35 or 38, or of an indecent assault, but are not satisfied that the defendant is guilty of the arrestable offence charged in the indictment or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of the arrestable offence and find him guilty of such offence as mentioned above or of an indecent assault, and thereupon the defendant is liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as mentioned above or for the offence of indecent assault.

On indictment for rape, jury may convict of certain offences. [11 of 1979].

Indictment for incest; jury may convict of certain offences. [11 of 1979].

42. If upon the trial of any indictment for incest by a man, the jury is satisfied that the defendant is guilty of an offence under section 34 or 35 or of an indecent assault but are not satisfied that the defendant is guilty of the charge of incest or of an attempt to commit the same then and in every such case the jury may find him guilty of an offence under section 34 or 35 or of indecent assault as the case may be.

Power of search in case of detention for immoral purposes.

43. (1) If it appears to any Justice, on complaint made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the Justice, is *bonâ fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that the woman or girl is unlawfully detained for immoral purposes by any person in any place within Trinidad and Tobago, the Justice may issue a warrant authorising any person named therein to search for, and, when found, to take to and detain in a place of safety the woman or girl until she can be brought before a Magistrate, and the Magistrate before whom the woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

Apprehension of person accused.

(2) The Justice issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining the woman or girl to be apprehended and brought before a Magistrate, and proceedings to be taken for punishing the person according to law.

What to be deemed unlawful detention. [19 of 1979].

(3) A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and

- (a) either is under the age of fourteen years; or
- (b) if of or over the age of fourteen years, and under the age of sixteen years, if so detained against her will, or against the will of her father or mother or of any other person having the lawful care or charge of her; or
- (c) if of or above the age of sixteen years is so detained against her will.

Right of forcible entry.

(4) Any person authorised by warrant under this section to search for any woman or girl so detained as above may enter (if need be by force) any house, building or other place specified in the warrant, and may remove the woman or girl therefrom. Every

warrant issued under this section shall be addressed to and executed by some Police Officer or a Police Officer who shall be accompanied by the parent, relative or guardian or other person making the information if such person so desire, unless the Justice otherwise directs.

44. Where, on the trial of any offence under this Act, it is proved to the satisfaction of the Court that the seduction or prostitution of a girl under the age of thirteen has been caused, encouraged, or favoured by her father, mother, guardian, master or mistress, it is in the power of the Court to divest the father, mother, guardian, master or mistress of all authority over her, and to appoint any person or persons willing to take charge of the girl to be her guardian until she has attained the age of eighteen or any age below this as the Court may direct, and the Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as the guardian, or in any other respect.

Custody of girl
under thirteen.
[28 of 1973].

45. (1) Any person who is convicted of any indecent assault upon any female is liable to imprisonment for three years.

Indecent assault
on female.

(2) It is no defence to a charge or indictment for an indecent assault on a young person under the age of thirteen years to prove that he or she consented to the act of indecency.

46. Where any woman of any age has any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or is an heiress or presumptive next of kin to any one having such interest, any person who, from motives of lucre, takes away or detains the woman against her will, with intent to marry or carnally know her, or causes her to be married or carnally known by any other person, and any person who fraudulently allures, takes away, or detains the woman, being under the age of eighteen years, out of the possession and against the will of her father or mother, or of any person having the lawful care or charge of her, with intent to marry or carnally know her, or causes her to be married or carnally known by any other person is liable to imprisonment for four years.

Abduction of
woman against
her will from
motives of
lucre.
[28 of 1973].

Fraudulent
abduction of
girl under age.

47. Any person who, by force, takes away or detains against her will any woman of any age, with intent to marry or carnally know her, or causes her to be married or carnally known by any other person is liable to imprisonment for four years.

Forcible
abduction of
any woman
with-intent to
marry her.

Abduction of
girl from
parents or
guardians.

48. Any person who unlawfully takes, or causes to be taken, any unmarried girl, being under the age of fourteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, is liable to imprisonment for two years.

Brothels—
suppression of.

49. Any person who—

- (a) keeps or manages or acts or assists in the management of a brothel;
- (b) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or
- (c) being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part thereof as a brothel,

is liable on summary conviction

- (i) to a fine of one thousand dollars, or to imprisonment for three months; and
- (ii) on a second conviction to a fine of two thousand dollars, or to imprisonment for four months; and
- (iii) on a third or subsequent conviction to a fine of four thousand dollars or to imprisonment for twelve months, and, in addition to any such fine or imprisonment, to be required by the Court to enter into a recognisance, with or without sureties, to be of good behaviour for any period not exceeding twelve months, and in default of entering into the recognisance to be imprisoned for a period not exceeding three months, in addition to any term of imprisonment awarded in respect of any such conviction.

Determination
of tenancy of
premises on
conviction for
permitting use
as brothel, etc.

50. (1) Upon the conviction of the tenant, lessee, or occupier of any premises, of knowingly permitting the premises, or any part thereof, to be used as a brothel, the landlord or lessor is entitled to require the person so convicted to assign the lease or other contract under which the premises are held by him to some

person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract, the landlord or lessor is entitled to determine the lease or other contract but without prejudice to the rights or remedies of any party to the lease or contract accrued before the date of the determination. If the landlord or lessor should so determine the lease or other contract of tenancy, the Court which has convicted the tenant, lessee, or occupier shall have power to make a summary order for delivery of possession to the landlord or lessor.

(2) If the landlord, or lessor after the conviction is brought to his notice, fails to exercise his rights under the foregoing provisions of this section, and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have knowingly aided or abetted the commission of that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(3) Where a landlord or lessor determines a lease or other contract under the powers conferred by this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person without causing to be inserted in the lease or contract all reasonable provisions for the prevention of a recurrence of any offence as mentioned above, he shall be deemed to have failed to exercise his rights under the foregoing provisions of this section, and any offence as mentioned above committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

51. (1) Every male person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution, or
- (b) in any public place persistently solicits or importunes for immoral purposes,

Male person living on earnings of prostitute or persistently soliciting.

is liable on summary conviction to imprisonment for six months.

(2) If it appears to any Justice, by complaint on oath, that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the Justice may issue a

warrant authorising any constable to enter and search the house and to arrest that male person.

(3) Where a male person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Woman aiding
in prostitution.

52. Every female person who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting, or compelling her prostitution with any person or generally, is liable, on summary conviction to imprisonment for six months.

Trial of
summary
offences on
indictment.

53. A person charged with an offence under sections 51 or 52 may, instead of being proceeded against summarily, be proceeded against on indictment, and, on conviction on indictment, is liable to imprisonment for two years; and in the case of a second or subsequent conviction, the second or subsequent conviction being a conviction on indictment, the Court may, in addition to any term of imprisonment awarded, sentence the offender, if a male, to undergo corporal punishment, subject however, to the provisions of the Corporal Punishment Act.

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CHILD STEALING

Child stealing.

54. Any person who unlawfully, either by force or fraud, leads or takes away, or decoys or entices away or detains, any child under the age of ten years, with intent to deprive any parent or guardian, or other person having the lawful care or charge of the child, of the possession of the child, or with intent to steal any article upon or about the person of the child, to whomsoever the article may belong, and any person who with any such intent, receives or harbours any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained as mentioned in this section is liable to imprisonment for five years; but no person who claims to be the father of, or to have any right to possession of, an illegitimate child is liable to be prosecuted by virtue hereof on account of the getting possession of that child, or taking that child out of the possession of the mother or any other person having the lawful charge thereof.

Fathers taking
their
illegitimate
children.

BIGAMY

55. (1) Any person who being married, marries any other person during the lifetime of the former husband or wife, whether the second marriage has taken place in Trinidad and Tobago or elsewhere, is liable to imprisonment for four years. Bigamy.

(2) Nothing contained in this section shall extend to any person marrying a second time whose husband or wife has been continually absent from such person for the space of seven years then last past, and has not been known by such person to be living within that time, or shall extend to any person who, at the time of the second marriage has been divorced from the bond of the first marriage, or to any person whose former marriage has been declared void by the sentence of any Court of competent jurisdiction.

ATTEMPTS TO PROCURE ABORTION

56. Every woman, being with child, who, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, and any person who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, is liable to imprisonment for four years. Procuring
abortion.

57. Any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child, is liable to imprisonment for two years. Procuring
drugs, etc. to
cause abortion.

CONCEALING THE BIRTH OF A CHILD

58. If any woman is delivered of a child, every person who, by any secret disposition of the dead body of the child, whether the child died before, at, or after its birth, endeavours to conceal the birth is liable to imprisonment for two years; but if any person Concealment of
birth.

tried for the murder of any child or for infanticide is acquitted, the jury by whose verdict the person was acquitted may find, in case it so appears in evidence, that the child had been born within twelve months before its death, and that such person did, by some secret disposition of the dead body of the child endeavour to conceal its birth, and thereupon the Court may pass such sentence as if the person had been convicted upon an indictment for the concealment of the birth.*

(Vide Ch. 4,
No. 3, s 65.)

UNNATURAL OFFENCES

Sodomy.
[19 of 1979].

59. (1) Any person who is convicted of the abominable crime of buggery, committed either with mankind or with any animal, is liable to imprisonment for five years.

(2) Notwithstanding subsection (1) a person convicted of buggery with a person under the age of fourteen years is liable to imprisonment for life or for a term of years.

Attempt to
commit an
infamous crime.

60. Any person who attempts to commit the abominable crime, or shall be guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is liable to imprisonment for five years.

Gross
indecenty.

61. Any male person who, in public or private, commits or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person is liable to imprisonment for two years.

MAKING EXPLOSIVE SUBSTANCE TO COMMIT OFFENCE, AND
SEARCHING FOR THE SAME

Making or
having
explosive
substances, with
intent to
commit offence
against this Act.
[45 of 1979].

62. Any person who makes or manufactures or knowingly has in his possession, any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the arrestable offences mentioned in this Act is liable to imprisonment for two years.

*See s. 63 of Ch. 12:02.

63. Where there is reasonable cause to suspect that any combustible or inflammable material is concealed or placed in, against or under any house, building or other place for the purpose of being used in committing any of the arrestable offences mentioned in this Act, any Justice may by warrant under his hand authorise any constable, with such assistance as may be necessary, to enter and search at any time of the day or night such house, building, or other place and any adjacent premises; and, if any combustible or inflammable material is found, to convey the same forthwith before any Magistrate, or to guard the same on the spot or in some place of security subject to the orders of any Magistrate, and to apprehend and convey before any Magistrate the person or persons in, against, or under whose house, building, or place the material is found, if any constable acting under any such warrant as aforesaid has reasonable cause to suspect any such person of having been privy to the concealment or placing of the material, and also any other person found in or near the house, building, or place who appears to have been privy to the concealment or placing of such material.

Power to search
and arrest
suspected
persons.
[45 of 1979].

SUPPLEMENTAL PROVISIONS

64. Whenever, upon the trial for any offence punishable under this Act, it may be necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete upon proof of penetration only.

Carnal
knowledge
defined.