
Third Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 1979

[L.S.]

AN ACT to amend the Offences Against the Person
Ordinance, Ch. 4. No. 9.

[Assented to 22nd March, 1979]

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, 1979.

Interpretation.
Ch. 4. No. 9

2. In this Act "the Ordinance" means the Offences Against the Person Ordinance.

Section 35A
inserted

3. The Ordinance is amended by inserting immediately after sections 35 the following new section—

"Incest

35A. (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 be imprisoned 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 be imprisoned 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

35B. (1) On a man's conviction of an offence under section 35A 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 the foregoing subsection 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(4) An order under this section may be varied from time to time or rescinded by the High Court."

4. Section 43 of the Ordinance is amended by inserting the words "35A(1)," immediately after the word "sections" occurring in line three thereof. Section 43 of the Ordinance amended

5. The Ordinance is amended by inserting immediately after section 43, the following new section— Section 43A inserted

"Indictment for incest; jury may convict of certain offences

43A. 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 36 or 37 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 36 or 37 or of indecent assault as the case may be."

6. The use in any provision of this Act 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". Use of words "man", "boy", "woman" and "girl"

Passed in the Senate this 6th day of March, 1979.

R. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 16th day of March, 1979.

J. E. CARTER
Clerk of the House