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Third Session First Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 19 of 1979

[L.S.]

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

*[Assented to 5th June, 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.

Section 36 of  
the Ordinance  
amended  
Ch. 4 No. 9

2. Section 36 of the Offences Against the Person Ordinance (hereinafter referred to as "the Ordinance") is amended—

- (a) in subsection (1) by substituting for the words "thirteen years" occurring in line two the words "fourteen years" and for the words "five years" occurring at the end of line three the words "life or for any term of years";
- (b) in subsection (2) by substituting for the words "thirteen years" occurring in line two the words "fourteen years".
- (c) by adding immediately after subsection (2) the following new subsections—

"(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."

Section 37 of  
the Ordinance  
amended

3. Section 37 of the Ordinance is repealed and replaced as follows:—

"Carnal  
knowledge  
of mentally  
subnormal  
female

37 (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 shall be guilty of an offence and liable to be imprisoned for four years.

Act No. 30  
of 1975

(2) In this section "mentally subnormal" has the meaning ascribed to it under the Mental Health Act, 1975."

4. Section 38 of the Ordinance is repealed and replaced as follows:—

Section 38 of the Ordinance repealed and replaced

Householder etc. permitting defilement of young girl on his premises

38. (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 shall be guilty of an offence and liable to be imprisoned for five years.

(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.

5. Section 44(3) of the Ordinance is amended by substituting for the words "thirteen years" appearing in paragraphs (a) and (b) the words "fourteen years"

Section 44(3) of the Ordinance amended

6. Section 60 of the Ordinance is amended by renumbering the section as section 60(1) and adding the following new subsection:—

Section 60 of the Ordinance amended

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

Passed in the House of Representatives this 21st day of May, 1979.

J. E. CARTER  
Clerk of the House

Passed in the Senate this 22nd day of May, 1979.

R. L. GRIFFITH  
Clerk of the Senate