



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.23

PERJURY ACT

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CHAPTER 4.23
PERJURY ACT

AN ACT TO PROVIDE FOR THE OFFENCE OF PERJURY, ITS PENALTIES AND FOR OTHER CONNECTED MATTERS.

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires—

“Federation” means the Federation of Saint Christopher and Nevis;

“oath” means, 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”;

“Judicial Proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath;

“voluntary declaration” means a declaration made by a person without first being prompted to make it.

Form of oath in material.

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) A person who, being 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, commits the offence of perjury and shall be liable to imprisonment for a term of not less than seven years and not more than ten years, or a fine of not less than EC\$30,000.00 and not more than EC\$50,000.00, or both.

(2) Where a statement made for the purpose of a judicial proceeding is not made before a tribunal or court, 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.

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

(a) in another part of the Commonwealth; or

(b) in a tribunal lawfully constituted in any place on sea or land outside the Commonwealth,

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

(4) The question whether a statement on which perjury is assigned was material shall be a question of law to be determined by the court of trial.

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

5. A 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 or does not believe to be true; or
- (b) wilfully uses any false affidavit for the purposes of the Bills of Sale Act, Cap. 18.06,

commits an offence and on conviction on indictment shall be liable to imprisonment for a term of not less than seven years and not more than ten years, or a fine of not less than EC\$30,000.00 and not more than EC\$50,000.00, or both.

False statements, etc. with reference to marriage.

6. (1) A person who—

- (a) for the purpose of procuring a marriage, or a certificate or licence for marriage, knowingly and wilfully makes a false oath, or makes or signs a false declaration, 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,

commits an offence, and on conviction shall be liable to imprisonment for a term of not less than seven years and not more than ten years, or a fine of not less than EC\$30,000.00 and not more than EC\$50,000.00, or both.

(2) A prosecution for an offence against this section shall not be commenced more than three years after the commission of the offence.

False statements, etc. as to births or deaths.

7. (1) A 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; 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 it as true or gives or sends it as true to any persons; 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;

- (d) makes any false statement with intent to have it inserted in any register of births or deaths,

commits an offence, and on conviction shall be liable to imprisonment for a term of not less than seven years and not more than ten years, or a fine of not less than EC\$30,000.00 and not more than EC\$50,000.00, or both.

(2) A prosecution for an offence against this section shall not be commenced more than three years after the commission of the offence.

8. False voluntary declarations and other false statements without oath.

(1) A person who knowingly and wilfully makes otherwise than an oath a statement false in a material particular, and the statement is made—

- (a) in a voluntary 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 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,

commits an offence and shall be liable on conviction to imprisonment for a term of not less than two years and not more than five years, or a fine of not less than EC\$10,000.00 and not more than EC\$30,000.00, or both.

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

9. A person who—

- (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 practice any vocation or calling; or
- (b) procures or attempts to procure a certificate of registration of any person on any such register or roll,

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, commits an offence and shall be liable, on conviction, to imprisonment for a term of not less than one year and not more than two years, or a fine of not less than EC\$5,000.00 and not more than EC\$10,000.00, or both.

Aiders, abettors, suborners, etc.

10. (1) A person who aids, abets, counsels, procures, or suborns, another person to commit an offence against this Act shall be liable to be prosecuted and punished as if he were a principal offender.

(2) A person who incites or attempts to procure or suborn another person to commit an offence against this Act commits an offence and shall be liable to imprisonment for a term of not less than one year and not more than two years, or to a fine of not less than EC\$5,000.00 and not more than EC\$10,000.00, or both.

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 proceedings, whether before the same Court or tribunal or person or not, such witness shall be guilty of an offence and on conviction shall be liable to imprisonment for a term of not less than seven years and not more than ten years, or a fine of not less than EC\$30,000.00 and not more than EC\$50,000.00 or both.

(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 it shall be necessary that the court or the jury, as the case may be, be 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.

Power to direct prosecution for perjury or for offences against section 11.

12. (1) Where any of the following authorities, namely, a judge, a magistrate, justice of the peace, or coroner, is of the opinion that any person has, in the course of proceedings before the authority—

- (a) committed the offence of perjury; or
- (b) wilfully made on oath a statement of fact or alleged fact, material to the issue or matter in question, such as to constitute an offence under section 11,

the authority may order the prosecution of that person for either or both of those offences as the circumstances may warrant where there appears to be reasonable cause for such prosecution.

(2) Where an order is made for the prosecution of any person pursuant to subsection (1), the authority making the order may commit that person to prison or grant him bail, pending such 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.

Form of indictment.

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, voluntary declaration, affidavit, deposition, application, notice, certificate, or other writing; or
- (c) for wilfully making inconsistent or contradictory statements on oath in a judicial proceeding,

it shall be sufficient to set out the substance of the offence charged, and before which court or person the offence was committed, without setting out the proceedings or any part of the proceedings in the course of which the offence was committed, and without setting out 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 an offence specified in this section, 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—

- (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 out the substance of the offence charged against the defendant without setting out any matter or thing which it is necessary to aver in the case of an indictment for a false statement or false representation punishable under this Act.

Consent of Director of Public Prosecutions.

14. Except in cases coming within the provisions of section 12, no information for perjury or for an offence against section 11 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 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 proceedings on which perjury is assigned.

16. On a prosecution for—

- (a) perjury alleged to have been committed on the trial of an indictment for felony or misdemeanour; or
- (b) 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 assigned 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 Act, 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 Act shall be in addition to and not in substitution for his or her liability under such other enactment.

(2) Nothing in this Act shall apply to a statement made without oath by a child under the provisions of the Juveniles Act, Cap. 4:15.

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