



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 4.35

## SENTENCE OF DEATH (EXPECTANT MOTHERS) ACT

### Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

### SENTENCE OF DEATH (EXPECTANT MOTHERS) ACT

Act 16 of 1953 ... in force 20th March 1953

Amended by: Act 17 of 1975

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**CHAPTER 4.35**

**SENTENCE OF DEATH (EXPECTANT MOTHERS) ACT**

ARRANGEMENT OF SECTIONS

1. Short title
2. Sentence of death not to be passed on pregnant woman
3. Procedure where woman convicted of capital offence alleges pregnancy

**CHAPTER 4.35**

**SENTENCE OF DEATH (EXPECTANT MOTHERS) ACT**

AN ACT TO MAKE PROVISION FOR THE PASSING OF A SENTENCE OF IMPRISONMENT FOR LIFE INSTEAD OF SENTENCE OF DEATH ON EXPECTANT MOTHERS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

**Short title.**

1. This Act may be cited as the Sentence of Death (Expectant Mothers) Act.

**Sentence of death not to be passed on pregnant woman.**

2. Where a woman convicted of an offence punishable with death is found in accordance with the provisions of this Act to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death.

**Procedure where woman convicted of capital offence alleges pregnancy.**

3. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by a jury.

(2) Subject to the provisions of this subsection, the said jury shall be the trial jury, that is to say, the jury to whom she was given in charge to be tried for the offence, and the members of the jury need not be resworn:

Provided that—

- (a) if any member of the trial jury, either before or after the conviction, dies or is discharged by the Court as being through illness incapable of continuing to act or for any other cause, the inquiry as to whether or not the woman is pregnant shall proceed without him or her; and
- (b) where there is no trial jury, or where a jury have disagreed as to whether the woman is or is not pregnant, or have been discharged by the Court without giving a verdict on that question, the jury shall be constituted as if to try whether or not she was fit to plead, and shall be sworn in such a manner as the Court may direct.

(3) The question whether the woman is pregnant or not shall be determined by the jury on such evidence as may be laid before them either on the part of the woman or on the part of the Crown, and the jury shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(4) Where on proceedings under this section the jury find that the woman in question is not pregnant, the woman may appeal to the Court of Appeal, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.

*(Amended by Act 17 of 1975)*

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