



ST. CHRISTOPHER AND NEVIS

CHAPTER 9.11

INFANT LIFE (PRESERVATION) ACT

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws—

INFANT LIFE (PRESERVATION) ACT

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CHAPTER 9.11
INFANT LIFE (PRESERVATION) ACT

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CHAPTER 9.11
INFANT LIFE (PRESERVATION) ACT

AN ACT TO PROVIDE FOR THE PRESERVATION OF THE LIFE OF INFANTS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Infant Life (Preservation) Act.

Punishment for child destruction.

2. (1) Subject as in this section provided, any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, commits a felony, to wit, of child destruction, and shall be liable, on conviction, on indictment, to imprisonment for life with or without hard labour:

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

- (2) For the purposes of this Act, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *primâ facie* proof that she was at that time pregnant of a child capable of being born alive.

Conviction for child destruction on trial for murder of child.

3. (1) Where upon the trial of any person for the murder or manslaughter of any child or for infanticide, or for an offence under section 53 of the Offences Against the Person Act, Cap. 4.21 (which relates to administering drugs or using instruments to procure abortion), the jury are of opinion that the person charged is not guilty of murder, manslaughter or infanticide, or an offence under section 53 as the case may be, but that he or she is shown by the evidence to be guilty of the felony of child destruction, the jury may find him or her guilty of that felony, and thereupon the person convicted shall be liable to be punished as if he or she had been convicted upon an indictment for child destruction.

- (2) Where upon the trial of any person for the felony of child destruction, the jury are of opinion that the person charged is not guilty of that felony, but that he or she is shown by the evidence to be guilty of an offence under section 53 of the Offences Against the Person Act, the jury may find him or her guilty of that offence,

and thereupon the person convicted shall be liable to be punished as if he or she had been convicted upon an indictment under that section.

(3) Section 55 of the Offences Against the Person Act (which provides that a person acquitted of the murder of any child, or of infanticide, may, if shown by the evidence to be guilty of concealing the birth, be convicted and punished accordingly), shall apply in the case of the acquittal of a person on an indictment for child destruction as it applies to the acquittal of a person on an indictment for murder or infanticide.
