

CHAPTER 28.

INFANTICIDE.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
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3. Offence of Infanticide.

CHAPTER 28.

INFANTICIDE.

An Ordinance to Repeal and Re-enact with Modifications the Provisions of the Infanticide Ordinance, 1935. 5 of 1939.

[15TH JUNE, 1939.]

1. This Ordinance may be cited as the Infanticide Ordinance, and shall apply to the Colony and Protectorate. Short title.

2. In this Ordinance " Court " means the Supreme Court. Interpreta-
tion.

3. (1) Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this Ordinance the offence would have amounted to murder, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child. Offence of
Infanticide.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the Court before whom such woman is tried or, in the case of a trial by jury, the jury, is or are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the Court or jury as the case may be may, notwithstanding that the circumstances were such that but

for the provisions of this Ordinance it or they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

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c. 100.

(3) Nothing in this Ordinance shall affect the power of the Court or the jury upon an information for the murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section 60 of the Offences against the Person Act, 1861, except that for the purposes of the proviso to that section a child shall be deemed to have recently been born if it had been born within twelve months before its death.

(4) The said section 60 shall apply in the case of the acquittal of a woman upon an information for infanticide as it applies upon the acquittal of a woman upon an information for murder.
