

CHAPTER 43.**PERJURY.****ARRANGEMENT OF SECTIONS.****SECTION.**

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CHAPTER 43.**PERJURY.****An Ordinance to Amend the Law in Relation to Perjury.**5 of 1896.
16 of 1913.

[26TH MARCH, 1896.]

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

2. In this Ordinance, unless the context otherwise requires— Interpreta-
tion.
“wilful and corrupt perjury in any proceeding” shall mean wilful and corrupt perjury in any evidence given, or in any affidavit, declaration, affirmation, deposition, examination, answer, or other proceeding made or taken before the Supreme Court or a Magistrate’s Court.

3. If it shall appear that any person has been guilty of wilful and corrupt perjury in any proceeding made or taken before the Supreme Court, it shall be lawful for the Supreme Court— Direction for
prosecution
for perjury.

(1) in each and every such case to direct such person to be prosecuted for such perjury in case there shall appear to the Court a reasonable cause for such prosecution, and forthwith to commit such person so directed to be prosecuted for trial upon information, and to require any person the Court may think fit to enter into a recognisance conditioned to give evidence against such person so directed to be prosecuted as aforesaid; or

(2) where such perjury is committed by any person examined as a witness in open Court, it shall be lawful for

the Supreme Court, instead of directing such prosecution as aforesaid, either—

(a) to commit such witness as for a contempt of Court to prison for any term not exceeding six months with or without hard labour; or

(b) to fine such witness in any sum not exceeding fifty pounds.

Perjury
before the
Magistrates.

4. If it appears that any person has been guilty of wilful and corrupt perjury in any proceeding before a Magistrate's Court, the Court may commit him for trial for perjury, and bind any person by recognisance to give evidence at such trial; or where such perjury is committed by any person examined as a witness in open Court—

(a) commit him to prison, as for a contempt of Court, for any term not exceeding three months, with or without hard labour.

(b) fine him any sum not exceeding twenty-five pounds:

Provided that if a Magistrate's Court order a person to be imprisoned, or to pay a fine, the Court shall, within three days, forward to the Chief Justice a certified copy of the notes of the proceedings, and the Chief Justice may, without hearing any argument, vary or set aside such order.

Want of form
no bar.

5. The powers contained in sections 3 and 4 shall be in full force and operation notwithstanding any irregularity or want of form in the administration of the oath, declaration or affirmation, as the case may be.

Imprison-
ment or fine a
bar to further
proceedings.

6. Any imprisonment or fine ordered or imposed under sections 3 and 4 of this Ordinance shall be a bar to any other proceedings for the same offence, except in the case where the order of the Magistrate's Court is set aside by the Chief Justice:

Provided that no such order or certificate thereof shall be given in evidence upon any trial to be tried against any person upon a prosecution in respect of any such offence.