

CHAPTER 171 CRIMINAL CODE

• Act • Subsidiary Legislation •

ACT

Act No. 23 of 1988

Amended by

Act No. 26 of 1989

SRO 9 of 1991

Act No. 53 of 1992

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CHAPTER 171 CRIMINAL CODE

An Act to amend and codify the criminal laws of Saint Vincent and the Grenadines, and for matters incidental thereto.

[Act No. 23 of 1988 amended by Act No. 26 of 1989, SRO 9 of 1991, Act No. 53 of 1992.]

[Date of commencement: 30th October, 1989.]

[SRO 33 of 1989.]

CHAPTER I

Preliminary

1. Short title

This Act (hereinafter referred to as “this Code”) may be cited as the Criminal Code.

2. Saving of certain other laws

Except as hereinafter provided, nothing in this Code shall affect—

- (a) the liability, trial or punishment of a person for any offence against the common law or against any other law in force in Saint Vincent and the Grenadines other than this Code;
- (b) the power of any court to punish a person for contempt of such court;
- (c) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the 29th October, 1989;
- (d) any power of Her Majesty or of the Governor-General vested in him as the representative of Her Majesty, to grant any pardon, or to remit or commute, in whole or in part, or to respite the execution of, any sentence passed or to be passed; or
- (e) any law, regulation or articles, by whatsoever name known, for the government of Her Majesty's naval, military or air forces.

3. Interpretation

(1) Except as otherwise in this Code, or in the Interpretation and General Provisions Act, expressly provided, this Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it shall be presumed so far as is consistent with their context, to be used in accordance with the meanings attached to them in the criminal law of England, and shall be construed in accordance therewith.

[Chapter 14.]

(2) In this Code, unless the context otherwise requires—

“**Act**” includes any subsidiary legislation made under such Act;

“**arrestable offence**” means an offence for which a person can be arrested without a warrant under the provisions of the Criminal Procedure Code;

[Chapter 172.]

“**court**” means the High Court, a magistrate's court, or both as the context requires;

“**judicial proceeding**” includes any proceeding held or taken before any court, tribunal, inquest, commission of inquiry or person, in which evidence may be taken on oath;

“**knowingly**”, used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

“**money**” includes bank notes, bankdrafts, cheques and any other orders, warrants or requests for the payment of money;

“**night**” means the interval between 8 p.m. and 5 a.m. of the following day;

“**oath**” includes an affirmation and a statutory declaration;

“**offence**” includes an act, attempt or omission punishable at law;

“**person employed in the public service**” includes—

- (a) a person holding any public office, whether temporary or permanent, by appointment, by election or by operation of law, and whether with or without remuneration;

- (b) an arbitrator, umpire or referee in any proceeding or matter acting with the sanction of any court or in pursuance of any law;
- (c) any magistrate or justice of the peace;
- (d) any member of any statutory body, tribunal or commission appointed under or in pursuance of any law; and
- (e) any marriage officer appointed under the Marriage Act when acting in performance of his functions as such;

[Chapter 236.]

“**possession**” includes not only having in one’s own personal possession, but knowingly having anything in the actual or personal possession or custody of any other person, or having in any place (whether belonging to oneself or occupied by oneself or not) for the use or benefit of oneself or any other person; and if there are two or more persons and any one of more of them with the knowledge and consent of all of any of the others has or have anything in his or their custody or possession it shall be deemed to be in the custody and possession of each and all of them;

“**property**” includes any description of real and personal property, money, debts and legacies and any deeds, instruments or other documents relating to, or evidencing the title or right to, any property or giving a right to recover or receive any money or goods;

“**public**” includes not only all persons in Saint Vincent and the Grenadines but also persons inhabiting or using any particular place, or any number of persons and also such indeterminate persons as may happen to be affected by the conduct in respect of which such expression is used;

“**public place**” includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either unconditionally or upon payment, or which is for the time being used for any public or religious meeting or as an open court;

“**public way**” includes any highway, market place, square, street, bridge or other way which is lawfully used by the public as of right;

“**publicly**”, when applied to acts done, means either that they are so done in any public place as to be seen by any person, whether such person be or be not in a public place, or that they are so done in any place which is not a public place as to be likely to be seen or heard by any person in a public place;

“**utter**” includes using or dealing with or attempting to use or deal with, or attempting to induce any person to use, deal with or act upon the thing in question;

“**wound**” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purposes of this definition which can be touched without dividing or piercing any other membrane,

and cognate expressions shall be construed accordingly.

(3) Except where the context otherwise requires, Chapters I, II and III of this Code apply to offences under any other law as they apply to offences under this Code.

3A. Family Court

(1) Notwithstanding the provisions of the Criminal Procedure Code and of this Act or any other law, as from the commencement of the Family Court Act, 1992, the following matters shall fall under the sole jurisdiction of the Family Court—

- (a) summary trials of all sexual offences as defined in Chapter VIII;
- (b) preliminary inquiries in relation to sexual offences as defined in Chapter VIII tried on indictment;

- (c) preliminary inquiries of all offences tried on indictment where the defendant or any one of several defendants charged jointly is under the age of eighteen years.

(2) The words “magistrate” and “court” in relation to trial of offence at subsection (1)(a), (1)(b) or (1)(c) shall where they appear to be construed to mean “a judicial officer of the Family Court” and the “Family Court” respectively.

[Section 3A inserted by Act No. 53 of 1992.]

4. Offences committed partly within and partly beyond the jurisdiction

When an act which, if done wholly within the jurisdiction of the court, would be an offence against this Code, is done partly within and partly beyond the jurisdiction, (including but without prejudice to the generality of the foregoing, any act which is done partly within one magisterial district and partly within another magisterial district or districts), every person who within the jurisdiction does or takes any part in such act, may be tried and punished as if such act had been done wholly within the jurisdiction.

CHAPTER II

General Rules as to Criminal Liability

5. Ignorance of the law

Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

6. *Bona fide* claim of right

A person is not criminally responsible in respect of an offence relating to property if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

7. Intention and motive

(1) Subject to the express provisions of this Code or any other law relating to negligent acts or omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident.

(2) Unless the intention to cause a particular result is expressly declared to be an element of an offence constituted in whole or in part by an act or omission, the result intended to be caused by an act or omission is immaterial.

(3) Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial as regards criminal responsibility.

(4) In determining whether a person has committed an offence a court—

- (a) shall not be bound to infer that he intended or foresaw a result of his actions by reason only of its being the natural and probable consequence of those actions; but
- (b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inference from the evidence as appears proper in the circumstances.

8. Mistake of fact

Subject to the express or implied provisions of this Code or any other law, a person who does or omits to do any act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

9. Presumption of sanity

Every person is presumed to be of sound mind, and to have been of sound mind at any material time which is in question, until the contrary is proved.

10. Insanity

Subject to the provisions of this Code with regard to persons suffering from diminished responsibility, a person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is, through any disease affecting his mind, incapable of understanding what he is doing or of knowing that he ought not to do the act or make the omission:

Provided that a person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects above mentioned in reference to that act or omission.

11. Intoxication

(1) Save as provided in this section, intoxication shall not constitute a defence to a criminal charge.

(2) Intoxication shall be a defence to a criminal charge if by reason thereof, at the time of the act or omission complained of, the person did not know that such act or omission was wrong or did not know what he was doing and—

- (a) the state of intoxication was caused without his consent by the malicious or negligent act of another person; or
- (b) the person charged was, by reason of intoxication, insane, temporarily or otherwise, at the time of such act or omission.

(3) Where a defence under subsection (2) is established, then—

- (a) in a case falling within paragraph (a) the accused shall be discharged; and
- (b) in a case falling within paragraph (b) the provisions of section 10 shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purpose of this section, “**intoxication**” shall be deemed to include a state produced by narcotics or drugs.

12. Immature age

A person under the age of eight years is not criminally responsible for any act or omission.

13. Age of child

Where any person is charged with an offence under this Code or any other law in respect of a child who is alleged to be under any specified age and that the child appears

to the court to be under that age, such child shall be presumed to be under that age unless the contrary is proved.

14. Surgical operations

A person who is a qualified medical practitioner is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for that person's benefit, or upon an unborn child for the purpose of the preservation of the mother's life, if the performance of the operation is reasonable having regard to the patient's state at the time and all the circumstances of the case.

15. Duress

A person is not criminally responsible for an offence, other than murder as a principal offender, genocide and high treason, if it is committed by two or more offenders, and if the act is done, or omitted to be done, only because during the whole of the time in which it is being done, or omitted to be done, the person is compelled to do, or omit to do, the act by threats on the part of the other offender or offenders, if he refuses, instantly to kill or do grievous bodily harm to him or his wife or his child, or, in the case of a woman, to her husband or child, who is present at the time; but threats of future injury do not excuse any offence.

16. Compulsion by husband

A married woman is not free from criminal responsibility for doing or omitting to do any act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife, other than for murder, treason or genocide, it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, her husband.

17. Defence of person or property

Subject to any express provisions of this Code or any other law for the time being in force in Saint Vincent and the Grenadines, criminal responsibility for the use of force in the defence of person or property shall be determined according to the principles of the common law.

18. Use of force in effecting arrest

A person may use such force as is reasonable in the circumstances in the preventing of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

19. Person not to be punished twice for same offence

(1) Where an act or omission is punishable under two or more laws (including this Code) the offender shall, unless the contrary intention be expressed, be liable to be prosecuted under either law, but he shall not be liable to be punished more than once for the same offence except in the case where the act or omission is such that by means thereof he caused the death of another person, in which case he may be punished for the offence of which he is guilty by reason of causing such death notwithstanding that he has already been punished for some other offence constituted by that act or omission.

(2) It shall be lawful for any court to impose one or more kinds of punishment in the same sentence.

20. Principal offenders

(1) When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say—

- (a) every person who actually does the act or makes the omission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding any other person to commit the offence;
- (c) every person who aids or abets another person in committing the offence; and
- (d) every person who counsels or procures any person to commit the offence.

(2) In a case arising under subsection (1)(d), the accused may be charged with himself committing the offence or with counselling or procuring its commission.

(3) A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

(4) Any person who procures another to do, or omit to do, any act of such a nature that, if he had himself done the act or made the omission the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment as if he himself had done the act or made the omission, and he may be charged with himself doing the act or making the omission.

21. Offences committed by joint offenders in prosecution of common purpose

When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each is deemed to have committed the offence.

22. Counselling another to commit an offence

When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether that offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way:

Provided in either case that the facts constituting the offence actually committed are a probable consequence of the carrying out of the counsel. In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by that other person.

CHAPTER III

Punishments

23. Kinds of punishment

Subject to the provisions of this Code and of any other law in force relating to the jurisdiction of particular courts, the following kinds of punishment may be imposed by a court on persons convicted of offences—

- (a) death;
- (b) imprisonment;
- (c) fine;
- (d) payment of compensation;

- (e) finding security to keep the peace and be of good behaviour or to come up for judgement;
- (f) probation under the Probation of Offenders Act;
- (g) forfeiture of articles involved in the offence;
- (h) costs;
- (i) in the case of a male person of any age, corporal punishment in accordance with the provisions of the Corporal Punishment of Juveniles Act;
- (j) a supervision order under section 20 of the Criminal Procedure Code;
- (k) any other punishment expressly provided for by any law for the time being in force.

[Chapter 170, Chapter 172, Chapter 179.]

24. Sentence of death

(1) When any person is sentenced to death, the sentence shall direct that he is to “suffer death in the manner authorised by law”.

(2) Sentence of death shall not be pronounced or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of sixteen years, but in lieu thereof the court shall sentence him to be detained during Her Majesty’s pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the Governor-General may direct, and whilst so detained he shall be deemed to be in lawful custody.

(3) Where a woman convicted of an offence punishable with death is found, from a report by the Chief Medical Officer, to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of a sentence of death. If such pregnancy is not found until after sentence of death has been passed, the court shall recall the woman before it and substitute for the sentence of death a sentence of imprisonment for life.

(4) When a person has been sentenced to death, or to be detained during Her Majesty’s pleasure under subsection (2) or to imprisonment for life under subsection (3), the presiding judge shall forward to the Governor-General a copy of the notes of evidence taken at the trial together with a report in writing signed by him containing any recommendation or observation on the case as he may think fit to make.

(5) No sentence of death shall be carried out until confirmed by the Governor-General and a warrant for that purpose, under the hand and seal of the Governor-General, issued to the officer in charge of the prison where the convicted person is held.

25. Imprisonment

(1) A person liable to imprisonment for life or any other period may be sentenced to a shorter term, except in the case of imprisonment passed under section 24(3).

(2) A person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment.

(3) Every sentence of imprisonment shall be served in accordance with the Prisons Act.

[Chapter 393.]

26. Fines

(1) Where a fine is imposed under any written law (including this Code) then, in the absence of express provisions relating to such fine in such law, the following provisions shall apply—

- (a) where no sum is expressed to which the fine may extend, the amount of the fine which may be imposed is unlimited but shall not be excessive;
- (b) in the case of an offence punishable by a fine and a term of imprisonment (whether specifically or by virtue of the provisions of section 25(2)), the imposition of a fine or a term of imprisonment or both shall be in the discretion of the court;
- (c) in the case of an offence in which the offender is sentenced to a fine, whether with or without imprisonment, the court in passing sentence may, in its discretion—
 - (i) direct that in default of payment of the fine the offender shall suffer imprisonment for a term not exceeding the maximum term specified in section 29 in relation to that fine: such imprisonment shall be in addition to and consecutive with any other imprisonment to which he may have been sentenced or to which he may be liable under commutation of sentence, and also
 - (ii) issue a warrant for the levy of the amount on the immovable and movable property of the offender by distress and sale:

Provided that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such person has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons, to be recorded in writing by the court, it considers it necessary to do so.

(2) When any fine has been imposed by a court, the court at the time when the fine is imposed or at any time thereafter may—

- (a) allow time for the payment of the fine;
- (b) direct that the fine be paid by instalments of such amounts and at such intervals as it thinks fit;
- (c) extend the time allowed for the payment of the fine or for the payment of any instalment;
- (d) vary any order made under this subsection.

(3) When any fine is directed to be paid by instalments, and the person liable to pay the fine makes default in the payment of any instalment or any part thereof, the whole amount of the fine outstanding shall become payable forthwith and the person shall be liable to be imprisoned for such proportion of the full term passed on him in default of payment of the fine or such term as he is liable to serve under subsection (4), as the sum remaining unpaid by him bears to the fine imposed upon him.

(4) When a court has not made a direction under subsection (1)(c)(i), the term of imprisonment to be served in default of payment shall be the maximum term provided in section 29 in relation to that fine.

(5) When a child is convicted of any offence and a fine, costs or compensation, or all or any combination thereof, is imposed, the court shall order that the fine, costs or compensation shall be paid by the parents or guardian of the child unless it is satisfied that the parent or guardian has not conduced to the commission of the offence by neglecting to exercise due care of the child.

(6) An order under subsection (5) may be made against a parent or guardian who, having received notice to attend, has failed to attend but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity to be heard.

(7) Any sum ordered to be paid by a parent or guardian under subsection (5) may be recovered by distress or imprisonment.

27. Compensation and costs

(1) A court may order any person convicted of an offence to make compensation to any person injured, in person or property, by his offence. An order of compensation may be in addition to any other punishment.

(2) A court may order any person convicted of an offence to pay the costs of and incidental to the prosecution of such offence or any part thereof. An order for payment of costs may be in addition to any other punishment.

(3) Nothing in this section shall preclude any person who, or whose property, has been injured by the act or omission of another from bringing an action in respect of such injury but if he shall so do the court, in making an award, shall take into account any compensation that may have been paid by virtue of an order under subsection (1).

28. Order in default of payment of compensation and costs

A court which makes an order under section 27 shall have the same powers in respect of default of payment of compensation and costs as it has in default of payment of a fine, and the provisions of section 26(1)(c), (2) and (3) shall apply to compensation and costs as they apply to fines. Terms of imprisonment in default of payment of fines, compensation and costs shall be served consecutively to each other.

29. Imprisonment in default of payment of fine, costs and compensation

(1) In the absence of any express provision in any law relating thereto, the term of imprisonment which may be ordered by a court in default of payment of a fine, costs or compensation or of any sum which the offender has been ordered to pay under any other law under which he has been convicted, shall be such term as, in the opinion of the court, will satisfy the justice of the case but shall not exceed the maximum fixed by the following scale—

<i>Amount</i>	<i>Maximum Period</i>
Not exceeding \$20	14 days
Exceeding \$20 but not exceeding \$50	28 days
Exceeding \$50 but not exceeding \$100	90 days
Exceeding \$100 but not exceeding \$500	180 days
Exceeding \$500	1 year

(2) Imprisonment in default of the payment of any sum payable in respect of a fine, costs or compensation shall terminate immediately the fine, costs or compensation is paid or levied by process of law; and in a case where part of the amount is paid or levied the term of imprisonment shall be reduced in proportion to the amount so paid.

30. Suspended sentence

(1) A court which passes a sentence of imprisonment on any offender for a term of not more than three years for any offence, may order that the sentence shall not take effect unless, during a period specified in the order, being not less than one year nor more than three years from the date of the order (hereinafter referred to as the “operational period”), the offender commits in Saint Vincent and the Grenadines another offence punishable with imprisonment for a period exceeding six months (hereinafter in this section and section 31 referred to as a “subsequent offence”) and thereafter a court having power to so do orders under section 31 that the original sentence shall take effect.

(2) The provisions of subsection (1) shall not apply where—

(a) a sentence of imprisonment for such an offence is fixed by law; or

(b) the person at the time of commission of the offence was in illegal possession of a firearm.

(3) A court shall not deal with an offender by means of a suspended sentence unless the case appears to the court to be one in respect of which a sentence of imprisonment would have been appropriate in the absence of any power to suspend such a sentence by an order under subsection (1).

(4) A court which passes a suspended sentence on an offender for an offence shall not make a probation order in the offender's case in respect of another offence of which he is convicted before that court at the same time.

(5) On passing a suspended sentence, the court shall explain to the offender, in ordinary language, his liability under section 31 if during the operational period he commits a subsequent offence.

31. Subsequent offences during operational period

(1) Subject to subsection (3), when an offender is convicted of a subsequent offence committed during the operational period of a suspended sentence, the court before which he is convicted for the subsequent offence may order that the suspended sentence shall take effect with the original term unaltered or may substitute a lesser term of imprisonment for the original term.

(2) When a court deals with an offender in respect of a suspended sentence passed by another court, the court dealing with the offender shall notify the court which passed the suspended sentence of the manner in which the offender was dealt with.

(3) When a magistrate's court deals with an offender in respect of whom a suspended sentence passed by the High Court is in operation, the court shall forward to the High Court a certificate signed by the magistrate that the offender has been convicted of a subsequent offence together with such other particulars of the offence as the magistrate considers desirable. The High Court may order the offender to be brought before it and may, without prejudice to the order of the court with respect to the subsequent offence, order that the suspended sentence shall take effect with the original term unaltered or with the substitution of a lesser term for the original term.

(4) Unless the court orders otherwise, a suspended sentence which is brought into effect shall commence on the expiration of the term of imprisonment passed in respect of the subsequent offence or, if a sentence of imprisonment is not passed in respect of the subsequent offence, forthwith.

32. Forfeiture of proceeds of offence

Where any person is convicted of an offence under section 85, 86 or 104, the court may, in addition to or in lieu of any other penalty which may be imposed, order the forfeiture to the Crown of any property which has passed in connection with the commission of the offence or, if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of the property; and any such property or sum so forfeited shall be dealt with as the Governor-General shall direct. Payment of any such sum ordered to be forfeited may be enforced in the same manner and subject to the same incidence as in the case of a fine, costs or compensation.

33. Forfeiture of property used for commission of offence

(1) When a person is convicted of an offence punishable with imprisonment for two years or more and the court is satisfied that any property which was in his possession or under his possession or under his control at the time of his apprehension—

(a) has been used for the purpose of committing or facilitating the commission of the offence; or

(b) was intended to be used for that purpose,

the court may make an order of forfeiture of that property to the Crown.

(2) In this section, “**facilitating the commission of an offence**” includes the taking of any steps after the offence has been committed for the purpose of disposing of any of the property to which it relates or of avoiding apprehension or detection. The expression “**punishable with imprisonment**” shall be construed without regard to any prohibition or restriction imposed by any law on the imprisonment of an offender by reason of his age.

(3) An order under this section shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall, if not already in the custody of the police, be taken into the custody of the police.

(4) When any property is forfeited by an order under this section, any claimant may, within a period of six months from the date of determination of the case, make an application to the court which made the order and thereupon the court, if satisfied that—

(a) he is the lawful owner; and

(b) he had not consented to the offender having possession of it or did not know and had no reason to suspect or believe that the property was to be used for the commission or for facilitating the commission of the offence,

may order that the property be returned to the claimant:

Provided that the Crown shall not be liable or responsible for any damage to or deterioration of the property.

34. Security for keeping the peace

A person convicted of an offence not punishable with death may, instead of or in addition to any other punishment to which he is liable, be ordered to enter into his own recognisances, with or without sureties, in such amount as the court thinks fit, that he shall keep the peace and be of good behaviour for a time to be fixed by the court, and may be ordered to be imprisoned until such recognisance, with sureties if so directed, is entered into; but the term of imprisonment for not entering into the recognisance shall not extend for a period longer than a year and shall not, together with the fixed term of imprisonment, if any, extend for a term longer than the longest term to which he might be sentenced to be imprisoned for the offence of which he was convicted.

35. Security for coming up for judgement

Where a person is convicted of any offence not punishable with death the court may, instead of passing sentence, discharge the offender upon his entering into recognisances, with or without sureties, in such sum as the court thinks fit, conditioned that he shall appear and receive judgement at some future sitting of the court or when called upon.

36. General punishment for offences

(1) Where in any law no punishment is specially provided for any offence it shall be punishable with imprisonment for one year and with a fine of one thousand dollars.

(2) Nothing in subsection (1) shall be taken to limit the amount of the fine which may be imposed in addition to, or in lieu of, a sentence of imprisonment where the term of imprisonment to which a person is liable is stated in relation to any offence.

37. Discharge of offender without punishment

(1) Where in any trial the court thinks that the charge is proved but is of the opinion that, having regard to the character, antecedents, age, health or mental condition of the

accused, or to the trivial nature of the offence, or to the extenuating circumstances in which the offence was committed, it is not expedient to inflict any punishment, the court may, without proceeding to conviction, make an order dismissing the charge.

(2) An order made under subsection (1) shall, for the purpose of re-vesting or restoring stolen property and of enabling the court to make an order in that behalf, have the like effect of a conviction.

(3) Where a charge is dismissed under subsection (1) the court may order the accused person to pay the whole or any part of the costs of and incidental to the prosecution and the provisions of section 26(1)(c) shall apply to such an order.

CHAPTER IV

Offences against Public Order

38. High treason

Any person who, in Saint Vincent and the Grenadines—

- (a) kills or attempts to kill Her Majesty, the Governor-General or any person performing the functions of the Governor-General under the Constitution;
- (b) levies war against Saint Vincent and the Grenadines or does any act preparatory thereto; or
- (c) assists an enemy at war with Saint Vincent and the Grenadines, or any armed forces against whom Her Majesty's Forces, in right of Saint Vincent and the Grenadines, are engaged in hostilities whether or not a state of war exists between Saint Vincent and the Grenadines and the country whose forces they are,

is guilty of high treason.

39. Treason

Any person who, in Saint Vincent and the Grenadines—

- (a) uses force or violence for the purpose of overthrowing the Government of Saint Vincent and the Grenadines;
- (b) without lawful authority, communicates or makes available to an agent of a state other than Saint Vincent and the Grenadines, military or scientific information, or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know can be used for a purpose prejudicial to the safety or defence of Saint Vincent and the Grenadines;
- (c) instigates any person to make an armed invasion into Saint Vincent and the Grenadines;
- (d) conspires with any person to commit high treason or to do anything mentioned in paragraph (a);
- (e) forms an intention to do anything that is high treason or that is mentioned in paragraph (a) and manifests that intention by an overt act;
- (f) conspires with any person to do anything mentioned in paragraph (b) or forms an intention to do anything mentioned in paragraph (b) and manifests that intention by an overt act,

is guilty of treason.

40. Citizen of Saint Vincent and the Grenadines

Notwithstanding anything contained in section 38 or 39, a citizen of Saint Vincent and the Grenadines or a person who owes allegiance to Her Majesty in right of Saint Vincent and the Grenadines commits high treason or treason, as the case may be, who does any act out of Saint Vincent and the Grenadines which would be high treason or treason if committed within Saint Vincent and the Grenadines.

41. Punishment for high treason and treason

- (1) A person convicted of high treason shall be sentenced to death.
- (2) A person convicted of treason is liable to imprisonment for life.

42. Misprision of treason

Any person who, knowing that another person has committed high treason or treason, or is about to commit high treason or treason, fails to report that fact to a judicial officer or a police officer as soon as may be, is guilty of an offence and liable to imprisonment for seven years.

43. Corroboration

A person shall not be convicted of high treason, or misprision of treason, other than on his own plea of guilty, upon the evidence of one witness only unless the witness is corroborated in a material particular by evidence that implicates the accused.

44. Cesser of application of 25 Ed. 3 Stat 5 c. 2: 11 Hen. 7 c. 1: 1 Anne Stat. 2 c. 21

(1) Subject to the provisions of subsection (2), the Treason Acts 1351, 1495 and 1702 and any other Act of the Parliament at Westminster relating to treason shall no longer apply to Saint Vincent and the Grenadines as part of the law of Saint Vincent and the Grenadines.

(2) Nothing in subsection (1) shall affect the liability of any person to be tried for an act of high treason, treason or misprision of treason committed before the 29th October, 1989, and such act may be tried and punished in accordance with the provisions of such Acts as they applied before the coming into force of this Code.

45. No bail

Notwithstanding the provisions of any other law, a person charged with an offence under section 38, 39 or 42 shall not be admitted to bail.

46. Incitement to mutiny

- (1) Any person who attempts—
 - (a) to seduce any police officer or member of the Volunteer Force from duty or allegiance to Her Majesty;
 - (b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act; or
 - (c) to incite any such person to make or endeavour to make a mutinous assembly,

is guilty of an offence and liable to imprisonment for life.

(2) For the purposes of this section and sections 47 and 48, “**police officer**” shall include a member of the Saint Vincent and the Grenadines Auxiliary Police and “**Volunteer Force**” shall include the Volunteer Reserve Force.

47. Aiding, etc., acts of mutiny

Any person who—

- (a) aids or abets or is accessory to any act of mutiny by; or
- (b) incites to sedition or to disobedience to any lawful order given by a superior officer,

any police officer or member of the Volunteer Force is guilty of an offence and liable to imprisonment for five years.

48. Inducing desertion

Any person who—

- (a) procures or persuades to desert;
- (b) aids or abets or is accessory to the desertion of; or
- (c) having reason to believe that he is a deserter, harbours or aids in concealing,

any police officer is guilty of an offence and liable to imprisonment for six months.

49. Piracy *jure gentium*

(1) Any person who is guilty of piracy *jure gentium* is liable to imprisonment for life.

(2) Piracy *jure gentium* consists of any of the following acts—

- (a) any illegal act of violence, detention or any act of depredation committed for private ends by the crew or the passengers of a private ship or a private aircraft and directed—
 - (i) on the high seas against another ship, or in any place against any aircraft, or against persons or property on board such ship or aircraft,
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;
- (b) any act of voluntary participation in the operation of a ship or aircraft with the knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting, or intentionally facilitating, an act described in paragraph (a)(i) or (ii).

(3) The acts of piracy, as defined in subsection (2), committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a pirate ship.

(4) A ship or aircraft is considered to be a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purposes of committing one of the acts referred to in subsection (2). The same applies if the ship or aircraft has been used to commit any such act as long as it remains under the control of the persons guilty of that act.

(5) For the avoidance of doubt it is hereby declared that for the purposes of any proceedings before a court in Saint Vincent and the Grenadines in respect of piracy, the provisions set out in subsection (2) shall be treated as constituting part of the law of nations, and any such court having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against a ship or aircraft wherever the piracy is committed.

50. Piracy in other cases

Any person who is guilty of piracy, or of any crime connected with or relating to piracy, not constituting an offence under section 49, is liable to imprisonment for fourteen years.

51. Definitions relating to sedition, etc.

For the purpose of the eight next following sections of this Chapter—

“**import**” includes—

- (a) to bring into Saint Vincent and the Grenadines;
- (b) to bring into the territorial waters of Saint Vincent and the Grenadines whether or not the matter so brought is brought ashore or whether or not there is or is not an intention to bring the same ashore;

“**periodical publication**” includes every publication issued periodically in parts or numbers at intervals, whether regular or irregular;

“**publication**” includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed and everything, whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or other characteristics, or in any manner capable of producing, representing or conveying words and ideas, and every copy or reproduction of or extract from any publication;

“**sedition words**” means words having a seditious intention.

52. Seditious intention

(1) A “**seditious intention**” is an intention—

- (a) to bring into hatred or contempt, or to incite disaffection against, the person of the Sovereign, Her heirs or successors, the Governor-General or the Government of Saint Vincent and the Grenadines by law established;
- (b) to excite the inhabitants of Saint Vincent and the Grenadines to attempt to procure the alteration, otherwise than by lawful means, of any matter in Saint Vincent and the Grenadines as by law established;
- (c) to bring into hatred or contempt, or to excite disaffection against, the administration of justice in Saint Vincent and the Grenadines;
- (d) to raise discontent or disaffection amongst the inhabitants of Saint Vincent and the Grenadines;
- (e) to promote ill-will or hostility between different classes of the population of Saint Vincent and the Grenadines; or
- (f) to incite any person to commit any crime against any person, property, public order or otherwise in disturbance of the peace:

Provided that an act, speech or publication is not seditious by reason only that it intends—

- (i) to show that the Crown has been misled or mistaken in any of its measures,
- (ii) to point out errors or defects in the Government or Constitution of Saint Vincent and the Grenadines,
- (iii) to persuade the inhabitants of Saint Vincent and the Grenadines to attempt to procure by lawful means the alteration of any matter in Saint Vincent and the Grenadines as by law established, or

(iv) to point out, with a view to their removal, any matters which are producing, or have a tendency to produce, feelings of ill-will or enmity between different classes of the population.

(2) In determining whether the intention with which any act was done, any words were spoken or any document was published, was seditious, every person shall be deemed to intend the consequences which would naturally flow from his conduct at the time and under the circumstances in which he so conducted himself.

53. Seditious offences

(1) Any person who—

- (a) does or makes any preparation to do, any act with a seditious intention;
- (b) utters any seditious words; or
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication,

is guilty of an offence and liable to imprisonment for five years, and any seditious publication shall be forfeited to the Crown.

(2) Any person who, without lawful excuse, has in his possession any seditious publication is guilty of an offence and liable to imprisonment for three years, and any such publication shall be forfeited to the Crown.

(3) It shall be a defence to a charge under subsection (2) that, if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver it to the nearest police officer.

(4) Any printing machine which has been, or is reasonably suspected of being, used for or in connection with the printing or reproduction of a seditious publication may be seized or otherwise secured by a police officer pending the trial and conviction or discharge and acquittal of any person accused of printing or reproducing any seditious publication; and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be either confiscated for a period not exceeding one year or be forfeited to the Crown, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine. A printing machine forfeited under this subsection shall be sold and the proceeds, less expenses, shall be paid into the Consolidated Fund.

(5) When a proprietor, publisher, printer or editor of a newspaper is convicted of printing or publishing a seditious publication in a newspaper, the court may, in addition to any other penalty which it imposes, and whether or not it has made an order under subsection (4), make an order prohibiting any further publications of the newspaper for any period not exceeding one year.

(6) The court may, at any time, on the application of the Director of Public Prosecutions and on the taking of such security, if any, as it may see fit to order for good behaviour, revoke any order made by it forfeiting or confiscating a printing machine or prohibiting further publication of a newspaper.

(7) The court, before ordering the forfeiture or confiscation of a printing machine under this section, shall be satisfied that the printing machine was the printing machine upon which or by which the seditious publication was printed or reproduced.

(8) In any case in which a printing machine has been secured or confiscated under this section, the Commissioner of Police may, in his discretion, cause the printing machine of any part thereof to be removed or any part of the machine be sealed so as to prevent its

use, but so that the owner of the machine or his agents may have reasonable access to it to keep it in working order.

(9) Neither the Commissioner of Police nor any person acting in pursuance of the powers conferred by this section shall be liable for any damage caused to a printing machine, whether by neglect or otherwise, unless such damage is done wilfully.

(10) Any person who, without lawful authority, uses a printing machine confiscated under subsection (4), is guilty of an offence and liable to imprisonment for three years.

(11) Any person who prints or publishes a newspaper in contravention of an order under subsection (5), is guilty of an offence and liable to imprisonment for three years.

(12) In this section, the expression “**printing machine**” includes a printing press, copying press, typesetting machine, photographic, duplicating or engraving apparatus, or other machine or apparatus used for or in connection with printing or producing publications, and the type, appurtenances and equipment thereof.

54. Power to prohibit publications

(1) If the Governor-General is of the opinion that there is in any publication or series of publications published outside Saint Vincent and the Grenadines by any person or association of persons, any matter which is contrary to the public interest, he may, in his absolute discretion, by order in the *Gazette*, declare that that particular publication or series of publications, or all publications published by that person or association of persons, shall be a prohibited publication or prohibited publications as the case may be.

(2) If an order made under subsection (1) specifies by name a publication which is a periodical publication such order shall, unless a contrary intention be expressed therein, have effect—

- (a) with respect to all subsequent issues of such publication; and
- (b) not only with respect to any publication under that name, but also with respect to any other publication published under any other name if the publishing thereof is in any respect in continuation for the publishing of the publication named in the order.

(3) If an order made under the provisions of subsection (1) declares that all publications published by a specified person or association of persons shall be prohibited publications, such order shall, unless a contrary intention be expressed therein, have effect not only in respect to all publications published by that person or association of persons before the date of the order but also with respect to all publications so published on or after that date.

(4) An order made under the provisions of subsection (1) shall, unless a contrary intention is expressed therein, apply to any translation into any language whatsoever of the publication specified in the order.

55. Offences in relation to publications the importation of which is prohibited

(1) Any person who imports, sells, offers for sale, distributes or reproduces any publication the importation of which is prohibited under section 54, or any extract therefrom, is guilty of an offence and liable to imprisonment for two years, and such publication shall be forfeited to the Crown.

(2) Any person who, without lawful excuse, has in his possession any publication the importation of which is prohibited under section 54, or any extract therefrom, is guilty of an offence and liable to imprisonment for two years, and such publication shall be forfeited to the Crown.

56. Delivery of prohibited publication to police officer

(1) Any person to whom any publication, the importation of which is prohibited under section 54, or any extract thereof, is sent without his knowledge or privity and not in response to a request made before the prohibition of the importation of such publication came into effect, shall forthwith, if, or as soon as, the nature of its contents have become known to him, or in the case of a publication or extract therefrom coming into the possession of such a person before an order prohibiting its importation has been made, forthwith upon the coming into effect of such an order, deliver such publication or extract therefrom to the nearest police officer, and in default thereof is guilty of an offence and liable to imprisonment for one year, and the publication shall be forfeited to the Crown.

(2) Any person who complies with the provisions of subsection (1), or is convicted of an offence under that subsection, shall not be liable to be convicted for having imported or having in his possession the same publication or an extract therefrom.

57. Power to examine suspected packages

(1) Any person authorised by the Attorney-General may detain, open and examine any package or article which he suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 54 to import and during such examination, may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract therefrom is found in such package or article, the whole package or article may be impounded and retained and the person importing, distributing or posting it, or in whose possession it is found, may forthwith be arrested and proceeded against.

58. Legal proceedings

(1) No prosecution for any offence under section 55 shall be begun except within six months after the offence is committed, save that, where a person leaves Saint Vincent and the Grenadines within six months of committing the offence, the prosecution may be begun within six months from the date when such person returns to Saint Vincent and the Grenadines.

(2) A prosecution for an offence under section 55 shall not be instituted except by, or with the written consent of, the Director of Public Prosecutions.

59. Evidence

No person shall be convicted of an offence under section 55 upon the uncorroborated evidence of one witness.

60. Unlawful oaths to commit capital offences

Any person who—

(a) administers, or is present at and consents to the administration of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or

(b) takes any such oath not being compelled to do so,

is guilty of an offence and liable to imprisonment for life.

61. Other unlawful oaths to commit offences

Any person who—

- (a) administers, or is present at and consents to the administration of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it, to act in any of the ways following, that is to say—
 - (i) to engage in any mutinous or seditious enterprise,
 - (ii) to commit any offence not punishable with death,
 - (iii) to disturb the public peace,
 - (iv) to be a member of any association, society or confederacy formed for the purpose of doing any such act as aforesaid,
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or any leader or commander or other person not having authority by law for that purpose,
 - (vi) not to inform or give evidence against any associate, confederate or other person,
 - (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to, or taken by, himself or any other person, or the import of such oath or engagement; or

(b) takes any such oath or engagement not being compelled to do so,
is guilty of an offence and liable to imprisonment for seven years.

62. Compulsion: how far a defence

A person who takes any such oath or engagement as is mentioned in section 60 or 61 cannot set up a defence that he was compelled to do so unless, within fourteen days after taking it or, if he is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he declares on oath before a judicial officer the whole of what he knows concerning the matter including the person or persons by whom and in whose presence, and the place where and the time when, the oath or engagement was administered or taken.

63. Unlawful drilling

(1) Any person who—

- (a) without the permission of the Minister responsible for internal security, trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or
- (b) is present at any meeting or assembly of persons held without the permission of the Minister, for the purpose of training or drilling any other person in the use of arms or the practice of military exercises, movements or evolution,

is guilty of an offence and liable to imprisonment for seven years.

(2) Any person who, at any meeting or assembly held without the permission of the Minister, is trained or drilled in the use of arms or in the practice of military exercises, movements or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, is guilty of an offence and liable to imprisonment for two years.

64. Publication of false news likely to cause fear or alarm to the public

(1) Any person who publishes any false statement, rumour or report which is likely to cause fear or alarm or to disturb the public peace, is guilty of an offence and liable to imprisonment of one year.

(2) It shall be a defence to a charge under subsection (1) if the accused person proves that, prior to the publication, he took such measures to verify the accuracy of such statement, rumour or report as to lead him reasonably to believe that it was true.

65. Defamation of foreign personages

(1) Any person who, without justification or excuse as would be sufficient in the case of a private person, publishes in any manner whatsoever anything tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or dignitary with intent to disturb the peace and friendship between Saint Vincent and the Grenadines and the country to which such prince, potentate, ambassador or dignitary belongs, is guilty of an offence and liable to imprisonment for two years.

(2) In this section, “**foreign**” means any country other than Saint Vincent and the Grenadines.

66. Foreign enlistment

Any person who, not being licensed in writing by the Governor-General in that behalf—

- (a) being a citizen of any Commonwealth country, accepts or agrees to accept any commission or engagement in the naval, military or air service of any foreign state at war with any friendly state, or, whether a citizen of any Commonwealth country or not, induces any other person to accept or agree to accept any commission or engagement in the naval, military or air service of any foreign state as aforesaid; or
- (b) being a citizen of any Commonwealth country quits or goes on board any ship or aircraft with a view of quitting Saint Vincent and the Grenadines with intent to accept any commission or engagement in the naval, military or air service of any foreign state at war with a friendly state, or whether a citizen of any Commonwealth country or not induces any other person to quit or go on board any ship or aircraft with a view to quitting Saint Vincent and the Grenadines with the like intent,

is guilty of an offence and liable to imprisonment for two years.

67. Unlawful assembly

(1) When three or more persons assemble with intent to commit an offence, or being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without reasonable occasion provoke other persons to commit a breach of the peace, they are guilty of an unlawful assembly. It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such manner as aforesaid.

(2) Any person who takes part in an unlawful assembly is guilty of an offence and liable to imprisonment for one year.

68. Riot

(1) When an unlawful assembly has begun to execute the purpose for which it is assembled by a breach of the peace and to the terror of the public, the assembly becomes a riot and the persons assembled are said to be riotously assembled.

(2) Any person who takes part in a riot is guilty of an offence and liable to imprisonment for two years.

69. Proclamation for dispersal of rioters

(1) A magistrate or justice of the peace in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled in his view, may make or cause to be made a proclamation, in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

(2) If upon the expiration of a reasonable time after such proclamation being made, or if the making thereof has been prevented by force, twelve or more persons continue riotously assembled together, any person authorised to make such proclamation or any police officer, or any person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, and for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance and shall not be liable in any criminal or civil proceedings for having, by the use of such force, caused harm or death to any person.

70. Rioting after proclamation made

If a proclamation is made, as provided in section 69, any person who, after the expiration of a reasonable time after the making of the proclamation for the dispersal of the persons assembled, takes or continues to take part in the riot or assembly, is guilty of an offence and liable to imprisonment for ten years.

71. Preventing or obstructing proclamation

(1) Any person who forcibly prevents or obstructs the making of a proclamation as mentioned in section 69(1) is guilty of an offence and liable to imprisonment for life.

(2) Any person who, knowing that the making of such proclamation has been so prevented, takes or continues to take part in the riot or assembly is guilty of an offence and liable to imprisonment for five years.

72. Rioters destroying or damaging certain property

Any persons who, being riotously assembled together, unlawfully pull down, destroy or burn, or begin to pull down, destroy or burn or unlawfully damage any building, machinery or structure are each guilty of an offence and each is liable to imprisonment for fourteen years.

73. Rioters interfering with aircraft, vessel or vehicle

Any persons who, being riotously assembled together, unlawfully and with force prevent, hinder or obstruct the loading or transit of any aircraft, vessel or vehicle, or the starting or transit of any aircraft, vessel or vehicle, or the sailing operations or navigation of any aircraft or vessel, or unlawfully and with force board any aircraft, vessel or vehicle with intent so to do, are guilty of an offence and each is liable to imprisonment for two years.

74. Definitions of prohibited and offensive weapons

For the purposes of sections 75, 76 and 77 the following definitions apply—

“automatic rifle” means any rifle so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed from the trigger or until the magazine containing the missiles is empty;

“dagger” includes any sword or any knife or other instrument having a blade ending in a sharp point, which is not primarily designed for use in a profession, craft or business, or for domestic use:

Provided that any such sword, knife or other instrument when worn or carried by a person shall be deemed to be a dagger unless it is designed primarily for use in a profession, craft or business carried on by such person or for domestic use, and is being worn or carried by such person for the purpose of its use in such profession, craft or business, or for domestic use;

“firearm” means any machine gun, sub-machine gun, rifle, shot gun, revolver, pistol, air gun, air pistol, or any lethal barrelled weapon from which any shot, bullet or other missile can be discharged or noxious fumes can be emitted (except any air rifle, air gun or air pistol of a type prescribed by the Attorney-General of a calibre so prescribed), and includes any component part of any such weapon and any accessory to such weapon designed or adapted to diminish the noise of flash caused by the firing of such weapon;

“flick knife” means any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife;

“gravity knife” means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device;

“knife” includes any cutting instrument, not being a dagger, whether ending in a sharp point or not;

“offensive weapon” means any article made or adapted for use for causing injury to the person or intended by the person having it with him for such use by him, and without prejudice to the generality of the foregoing includes any prohibited weapon, cutlass, dagger, firearm, ice pick, knife, razor or sword;

“prohibited weapon” means any automatic rifle, machine gun, sub-machine gun, any weapon of any description or design adapted for the discharge of any noxious liquid or gas, and any black jack, bludgeon, flick knife, gravity knife or knuckle duster.

75. Restriction on importation, etc., of prohibited weapons

Any person who imports into Saint Vincent and the Grenadines or manufactures, sells or hires or offers for sale or hire or has in his possession any prohibited weapon is guilty of an offence and liable to imprisonment for five years.

76. Restriction on carrying offensive weapons

(1) Any person who without lawful excuse, the burden of proving which lies on him, has in his possession in any public place any offensive weapon or ammunition, is guilty of an offence and liable to imprisonment for one year.

(2) For the purpose of this section an imitation firearm shall be deemed to be an offensive weapon and **“imitation firearm”** means anything which has the appearance of a firearm whether or not the same is capable of being fired.

77. Power of search, arrest and forfeiture in offensive weapons, etc., cases

(1) A police officer who reasonably suspects that any person has concealed about his person in any public place any offensive weapon or ammunition, may request such person to accompany him to the nearest police station where the senior police officer on duty may cause such person to be searched. Any person who refuses to accompany a police officer when so required for the purpose of this subsection is guilty of an offence and may be arrested without a warrant and is liable to a fine of fifty dollars.

(2) A police officer may arrest without warrant any person who he has reason to believe is committing an offence against section 76 if such officer is not satisfied as to such person's identity or place of residence or if he has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of which an offensive weapon might be used.

(3) Any offensive weapon, ammunition or prohibited weapon in respect of which a person has been convicted under section 75 or 76 shall be forfeited to the Crown.

78. Forcible entry

(1) Any person who, in order to take possession thereof, enters into any building or onto any land in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any dwelling house, or in collecting an unusual number of persons, is guilty of an offence and liable to imprisonment for two years.

(2) It is immaterial whether a person entering into a building or on any land contrary to subsection (1) is entitled to enter into the building or the land or not:

Provided that—

- (a) a person acting in pursuance of a warrant or other lawful authority authorising the use of force to gain entry; or
- (b) a person entering a building or on land of his own, but which is in the custody of his servant, agent or bailiff,

does not commit an offence.

79. Forcible detainer

Any person who, being in actual possession of any building or land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace, against a person lawfully entitled to possession thereof, is guilty of an offence and liable to imprisonment for two years.

80. Criminal trespass

Any person who enters into or upon property in possession of another with intent to commit an offence or to intimidate, insult or annoy any person in lawful possession of such property, or who, having lawfully entered into or upon such property, remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit any offence, is guilty of an offence and liable to imprisonment for one year. If the property upon which the offence is committed is any vessel, or any building or tent used as a human dwelling, or any building used as a place of worship or as a place for the custody of property, the offender is liable to imprisonment for two years.

81. Challenging or offering to fight

Any person who does any act with intent to provoke any other person to fight, whether in a public place or not, with any deadly or dangerous instrument, and any person who agrees or offers to fight, is guilty of an offence and liable to imprisonment for one year.

82. Affray

Any person who takes part in a fight in a public place is guilty of an offence and liable to imprisonment for one year.

83. Threatening violence

Any person who—

- (a) with intent to intimidate or annoy any person, threatens to break or damage a dwelling house; or
- (b) with intent to alarm any person in a dwelling house, discharges any firearm or commits any breach of the peace,

is guilty of an offence and liable to imprisonment for two years or, if the offence is committed in the night, for five years.

84. Assembling for the purpose of smuggling

Any persons who assembly together, to the number of two or more, for the purpose of unshipping, carrying or concealing any goods subject to customs duty and liable to forfeiture under any law relating to customs, are guilty of an offence and each of them is liable to imprisonment for two years.

CHAPTER V

Offences against the Administration of Lawful Authority

85. Official corruption

Any person who—

- (a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly solicits, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office; or
- (b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon or for any person, employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of such act or omission on the part of the person so employed,

is guilty of an offence and liable to imprisonment for three years.

86. Extortion by public officers

Any person who, being employed in the public service, takes or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of an offence and liable to imprisonment for three years.

87. Public officers receiving property to show favour

Any person who, being employed in the public service, receives any property or benefit of any kind for himself on the understanding, expressed or implied, that he shall favour the person giving the property or conferring the benefit, or anyone in whom that

person is interested, in any transaction then pending or likely to take place between the person giving the property or conferring the benefit, or anyone in whom he is interested, and any person employed in the public service is guilty of an offence and liable to imprisonment for six months.

88. False claims by officials

Any person who, being employed in the public service in such a capacity as to require him or enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person, or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, is guilty of an offence and liable to imprisonment for two years.

89. Abuse of office

(1) Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another, is guilty of an offence and liable to imprisonment for two years.

(2) If the act referred to in subsection (1) is done or directed to be done for purposes of gain, he is liable to imprisonment for three years.

(3) A prosecution for an offence under this section shall not be instituted except by, or with the written consent of, the Director of Public Prosecutions.

90. False certification by public officers

Any person employed in the public service who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate, which is, to his knowledge, false in any material particular, is guilty of an offence and liable to imprisonment for two years.

91. False assumption of authority

Any person who—

- (a) not being a judicial officer, assumes to act as such;
- (b) without authority, assumes to act as a person having authority by law to administer an oath or take a solemn declaration, affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so; or
- (c) falsely represents himself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by a lawful authority, or testifying to any act or event, and signs such document as being so authorised,

is guilty of an offence and liable to imprisonment for two years.

92. Personation of public officer

Any person who—

- (a) personates any person employed in the public service on an occasion when the latter is required to do any act, or attend in any place, by virtue of his employment; or

- (b) falsely represents himself to be a person employed in the public service, and assumes to do an act or attend in any place for the purpose of doing any act by virtue of such employment,

is guilty of an offence and liable to imprisonment for three years.

93. Threat of injury to persons in the public service

Any person who holds out any threat of injury to any person employed in the public service, or to any person in whom he believes that person employed in the public service to be interested, for the purpose of inducing that person employed in the public service to do any act, or forbear or delay to do any act, connected with the exercise of the public functions of such person employed in the public service, is guilty of an offence and liable to imprisonment for two years.

CHAPTER VI

Offences Relating to the Administration of Justice

94. Deceiving witness

Any person who practices any fraud or deceit on, or knowingly makes or exhibits any false statement, representation, token or writing to, any person called, or to be called, as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, is guilty of an offence and liable to imprisonment for two years.

95. Destroying evidence

Any person who, knowing that any book, document or thing of any kind whatsoever is, or may be, required in evidence in any judicial proceeding, wilfully removes or destroys it or renders it illegible or undecipherable, or incapable of identification, with intent thereby to prevent it from being used in evidence, is guilty of an offence and liable to imprisonment for two years.

96. False swearing

Any person who swears falsely, or makes a false affirmation or declaration before any person authorised to administer an oath or take a declaration upon a matter of public concern or private legal rights, under circumstances that the false swearing, declaration or affirmation, if committed in a judicial proceeding, would have amounted to perjury, is guilty of an offence and liable to imprisonment for two years.

97. Conspiracy to defeat the course of justice and interference with witnesses

Any person who—

- (a) conspires with any other person to accuse any person falsely of any offence or to do anything to obstruct, prevent, pervert or defeat the course of justice;
- (b) in order to obstruct the due course of justice dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence or endeavours to do so; or
- (c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal,

is guilty of an offence and liable to imprisonment for five years.

98. Offences relating to judicial proceedings

- (1) Any person who—
- (a) within the premises in which any judicial proceeding is being held, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or with reference to any person before whom such proceeding is being held;
 - (b) having been summoned to give evidence in a judicial proceeding, fails, without reasonable excuse, to attend;
 - (c) being present at a judicial proceeding and being called upon to give evidence, refuses to be sworn or make an affirmation;
 - (d) having been sworn or affirmed, refuses, without lawful excuse, to answer a question or to produce a document which it is within his power to produce;
 - (e) having attended a judicial proceeding to give evidence, remains in the room in which the proceeding is being held after the witnesses have been ordered to leave the room;
 - (f) causes an obstruction or disturbance in the course of a judicial proceeding;
 - (g) while a judicial proceeding is being held or is pending, makes or uses any speech or writing misrepresenting such proceeding, or capable of prejudicing any person in favour of or against any party to the proceeding, or calculated to lower the authority of any person before whom the proceeding is being, or is to be, held;
 - (h) publishes a report of the evidence taken in any judicial proceeding which is being held in private or which has been ordered not to be published; in this paragraph “**evidence**” includes the name and address of any party to the proceeding, any witness and any person mentioned in those proceedings;
 - (i) attempts to interfere with or influence a witness in any judicial proceeding, either before or after he has given evidence, in connection with such evidence;
 - (j) dismisses or punishes any employee because he has given evidence on behalf of a certain party to a judicial proceeding;
 - (k) wrongfully retakes possession of any land from any person to whom possession has recently been awarded by writ or order of a court; or
 - (l) commits any other act of intentional disrespect to any court, or any judicial proceeding, or to any person before whom the proceeding is being held,

is guilty of an offence and liable to imprisonment for two years.

(2) When any offence against subsection (1)(a), (b), (c), (d), (e), (f), (g), or (l) is committed in view of the court, the court may cause the offender to be detained in custody, and at any time before the rising of the court on the same day may take cognisance of the offence and summarily sentence the offender to imprisonment for one month.

(3) The provisions of this section shall be deemed to be in addition to, and not in derogation from, the powers of any court to punish for contempt of court.

99. Perjury

(1) Any person lawfully sworn as a witness or an interpreter, or who gives testimony otherwise than on oath by virtue of the provisions of section 100(2) of the Criminal Procedure Code, who, in any judicial proceeding, wilfully makes a statement material in that proceeding which he knows to be false or does not believe to be true, is guilty of perjury and liable to imprisonment for seven years.

(2) Where a statement made for the purpose of a judicial proceeding is not made before the court or tribunal itself 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 purpose of this section, be treated as having been made in a judicial proceeding.

(3) For the purpose of this section it is immaterial—

- (a) whether the person making the statement is or is not competent to be a witness, and whether or not his evidence is admissible;
- (b) whether the false testimony is given orally or in writing.

(4) The question whether a statement in respect of which a charge of perjury is made, was or was not material, is a question of law for the court of trial.

(5) A person shall not be liable to be convicted of an offence under this section, or of any offence declared by any law 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.

100. Subornation of perjury

Any person who aids, abets, counsels, procures or suborns another person to commit an offence under section 99 is guilty of an offence and liable to imprisonment for seven years.

101. Fabrication of evidence

Any person who, with intent to mislead any court—

- (a) fabricates evidence; or
- (b) knowingly makes use of fabricated evidence,

is guilty of an offence and liable to imprisonment for seven years.

(2) For the purpose of this section and sections 102 and 103, “**court**” includes a tribunal, commission of inquiry and any person authorised to take evidence on oath.

102. Contradictory statements by witness

(1) Where any witness in any judicial proceedings (other than a person accused of an offence in criminal proceedings) has made a statement on oath of some fact relevant in the proceedings which contradicts in a material detail a previous statement made on oath before the same or any other court, if either of such statements was made with intent to deceive, such witness is guilty of an offence and liable to imprisonment for seven years.

(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 statements but, upon proof that both the statements were made by him, the court, if satisfied that the statements, or either of them, were, or was, made with intent to deceive shall convict the accused.

(3) At the trial of any person for an offence under this section the record of any court containing any statement made on oath by the person charged shall be *prima facie* evidence of such statement.

(4) A person shall be liable to be convicted of an offence under this section notwithstanding that any statement made by him before a court was made in answer to a question which he was bound by law to answer, and any such statement shall be admissible in proceedings under this section.

103. Form of oath, etc., not material

For the purposes of this Chapter, the form and ceremonies used in administering an oath are immaterial if the court has power to administer the oath and if the oath has been administered in a form and with the ceremonies which the person taking the oath has accepted without objection, or has stated to be binding on him.

104. Compounding offences

(1) Where any person has committed an offence, any other person who, knowing or believing that the offence or some other offence has been committed and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, asks for, accepts or agrees to accept for not disclosing that information, any consideration other than the making good of the loss or injury caused by the offence, or of the making of reasonable compensation for that loss or injury, is guilty of an offence and liable to imprisonment for two years.

(2) A person shall be deemed to conceal his knowledge of an offence if, without lawful excuse, he fails or refuses to disclose to proper authority all material facts known to him relative to that offence.

105. Advertisement for stolen property

Any person who without lawful authority—

- (a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no question will be asked, or that the person producing such property will be safe from apprehension or inquiry;
- (b) publicly offers to return to any person who may have brought or advanced money by way of loan upon any stolen or lost property, the money so paid or advanced, or any other sum of money or reward for the return of such property; or
- (c) prints or publishes any such offer,

is guilty of an offence and liable to imprisonment for one year.

106. Rescue

Any person who, by force, rescues or attempts to rescue from lawful custody any person, is guilty of an offence and—

- (a) if such person is under sentence of death or imprisonment for life or charged with an offence punishable with death or imprisonment for life, is liable to imprisonment for seven years;
- (b) if such person is imprisoned on a charge or under sentence for an offence other than those specified in paragraph (a), is liable to imprisonment for three years; and
- (c) in any other case, is liable to imprisonment for one year:

Provided that, if the person rescued is in the custody of a private person, the offender must have been aware of the fact that the person rescued is in such custody.

107. Escape

Any person who, being in lawful custody, escapes from such custody, is guilty of an offence and liable to imprisonment for three years.

108. Permitting prisoner to escape

Any person who, having another person in his custody, intentionally or negligently permits him to escape is guilty of an offence and liable to imprisonment for three years.

109. Aiding prisoner to escape

Any person who—

- (a) aids a prisoner in escaping, or attempting to escape, from lawful custody;
- (b) conveys anything, or causes anything to be conveyed, into a prison with intent to facilitate the escape of a prisoner,

is guilty of an offence and liable to imprisonment for three years.

110. Removal, etc., of property under lawful seizure

Any person who, when any property has been attached or taken under the process of authority of any court, knowingly and with intent to defeat or hinder the attachment or process, receives, removes, retains, conceals or disposes of such property, is guilty of an offence and liable to imprisonment for three years.

111. Obstructing court officers

Any person who wilfully obstructs or resists any person charged with the execution of an order or warrant of any court is guilty of an offence and liable to imprisonment for two years.

112. False information to person employed in the public service

Any person who gives to any person employed in the public service any information in the truth of which he does not believe, intending thereby to cause, or knowing it to be likely that he will thereby cause, such person employed in the public service—

- (a) to do or omit to do anything which such person employed in the public service ought not to do or omit to do if the true state of facts respecting which such information is given were known to such person;
- (b) to use the lawful power of such person employed in the public service to the injury or annoyance of any person; or
- (c) to devote his time and attention to the investigation of such information,

is guilty of an offence and liable to imprisonment for three years.

113. Neglect of official duties

Any person employed in the public service who wilfully neglects to perform any duty which he is bound either by Act or common law to perform, provided that the discharge of such duty is not attended with greater danger than a man of ordinary firmness and activity may be expected to encounter, is guilty of an offence and liable to imprisonment for one year.

114. Disobedience of statutory orders

Any person who wilfully disobeys any Act by doing any act which it forbids or by omitting to do any act which it requires to be done and which concerns the public, or any part of the public, is guilty of an offence and liable to imprisonment for two years.

115. Disobedience of lawful orders

Any person who wilfully disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf, is guilty of an offence and liable to imprisonment for two years.

116. Obtaining registration by deception

Any person who wilfully procures, or attempts to procure, for himself or any other person any registration, licence or certificate under any law by deception, is guilty of an offence and liable to imprisonment for one year.

CHAPTER VII

Offences Relating to Religion

117. Insulting any religion

Any person who destroys, damages or defiles any place of worship, or any object which is held sacred by any group or class of persons, with the intention thereby of insulting the religion of those persons, or with the knowledge that any group or class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of an offence and liable to imprisonment for five years.

118. Disturbing religious assembly

(1) Any person who causes disturbance to any assembly lawfully engaged in the performance of religious worship or ceremony, is guilty of an offence and liable to imprisonment for two years.

(2) Where, at the trial of a person charged with an offence under subsection (1), it is proved that the accused person had persisted in the disturbance after having been requested to desist therefrom, that person upon conviction shall be liable to imprisonment for five years.

119. Writing or uttering words, etc., with intent to wound religious feeling

Any person who with the intention of wounding the religious feeling of any other person, writes any word, or utters any word or makes any gesture or sound in the sight or hearing of any other person, or places any object in the sight of any other person, is guilty of an offence and liable to imprisonment for two years.

120. Hindering burial

Any person who unlawfully hinders the burial or cremation of the dead body of any person, or, without lawful authority in that behalf, disinters, dissects or harms the dead body of any person, or being under a duty to cause the dead body of any person to be buried or cremated fails to perform that duty, is guilty of an offence and liable to imprisonment for two years.

121. Trespassing on burial place

(1) Any person who, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that any person is likely to consider that his religion has been insulted thereby, trespasses in any place of worship or sepulture, or which is set apart for the performance of funeral rites, or for the burial or depository of the remains of the dead, or who offers any indignity to any human corpse, or disturbs any persons assembled for any funeral ceremony, is guilty of an offence and liable to imprisonment for two years.

(2) Any person who wilfully removes, damages or disturbs in any way any flowers, candles, tombstone or any other thing whatsoever placed on or near a grave in memory or respect of, or as a tribute to, the dead, is guilty of an offence and liable to imprisonment for two years.

(3) For the purposes of subsection (2) any flowers, candles, tombstone or other thing placed on or near a grave shall be deemed to have been so placed in memory or respect of, or as a tribute to, the dead until the contrary is proved.

CHAPTER VIII

Sexual Offences

122. Definitions, etc.

(1) In this Chapter, unless the context otherwise requires, “**man**” includes “**boy**” and “**woman**” includes “**girl**”.

(2) Where upon the trial of an offence under this Chapter it is necessary to prove sexual intercourse (whether natural or unnatural) it shall not be necessary to prove the completion of the intercourse by the emission of seed, but intercourse shall be deemed to be complete upon the proof of penetration only.

123. Rape

(1) A man who rapes a woman is guilty of an offence and liable to imprisonment for life.

(2) A man commits rape if—

- (a) he has unlawful sexual intercourse with a woman who at the time of intercourse did not consent to it; and
- (b) at that time he knew that she did not consent to the intercourse or he was reckless as to whether she consented or not.

(3) If at a trial for a rape offence the court has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such belief is a matter to which the court is to have regard, in conjunction with any other relevant matters, in considering whether he so believed.

(4) In subsection (3), a “**rape offence**” means any of the following namely, rape, attempted rape, aiding, abetting, counselling and procuring rape or attempted rape, and incitement to rape.

(5) For the purpose of this section a woman is deemed not to have consented to sexual intercourse if her consent is obtained by threat or force, or by use of force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act or, in the case of a married woman, by personating her husband.

124. Intercourse with a girl under thirteen

Any man who has sexual intercourse with a girl under the age of thirteen is guilty of an offence and liable to imprisonment for life.

125. Intercourse with a girl under fifteen

(1) Any man who has sexual intercourse with a girl of or above the age of thirteen but below the age of fifteen, is guilty of an offence and liable to imprisonment for five years.

(2) A man is not guilty of an offence under this section if he is under the age of nineteen years and has not previously been charged with a like offence and, at the time of the intercourse, he believed the girl to be of or over the age of fifteen and had reasonable cause for that belief.

126. Intercourse with a defective

(1) Subject to the provisions of this section, any man who has unlawful sexual intercourse with a woman who is a mental defective is guilty of an offence and liable to imprisonment for five years.

(2) A man is not guilty of an offence under this section if he did not know and had no reason to suspect or believe that the woman was a mental defective.

(3) In this section, a “**mental defective**” is a woman who has been ordered to be detained under the provisions of the Mental Health Act, or who is shown by the evidence of two medical practitioners to be suffering from serious mental illness, psychopathic disorder or subnormality.

[Chapter 294.]

127. Indecent assault

(1) Any man who indecently assaults any person is guilty of an offence and liable—

- (a) if on a child under the age of fifteen, to imprisonment for five years; and
- (b) in any other case to imprisonment for two years.

(2) A child under the age of fifteen cannot in law give consent which would prevent an act being an assault for the purpose of this section.

128. Indecency with a child

Any person who commits an act of gross indecency with or towards a child under the age of fourteen, or who incites a child under that age to commit such an act with him or another, is guilty of an offence and liable to imprisonment for one year.

129. Permitting girl under fifteen to use premises for intercourse

Any person who is the owner or occupier of any premises or who has, or acts or assists in, the management or control of any premises and who knowingly allows or induces a girl under the age of fifteen to resort to or be on those premises for the purpose of having sexual intercourse, is guilty of an offence and liable to imprisonment—

- (a) for fourteen years if the girl is under the age of thirteen; and
- (b) for seven years if the girl is of or over the age of thirteen and under the age of fifteen.

130. Causing or encouraging prostitution, etc., of a girl under fifteen

(1) Any person who causes or encourages the prostitution of, or the commission of sexual intercourse with, or an indecent assault on, a girl under the age of fifteen for whom he is responsible is guilty of an offence and liable to imprisonment for seven years.

(2) Where a girl has become a prostitute, or has had sexual intercourse or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged it if he knowingly allows her to consort with, or to continue in the employment of, any prostitute or person of known immoral character.

(3) For the purpose of this section the persons who are to be treated as responsible for a girl, subject to subsection (4), are—

- (a) any person who is her parent or legal guardian;
 - (b) any person who has actual possession or control of her, or to whose charge she has been committed by her parent or legal guardian or by a person having custody of her;
 - (c) any other person who has the custody, charge or care of her.
- (4) In subsection (3)—
- (a) **“parent”** does not include, in relation to any girl, a person deprived of custody of her by order of any court of competent jurisdiction but (subject to that) in the case of a girl who has been legally adopted means her adopters and, in the case of a girl who is illegitimate means her mother and any person who has been adjudged to be her father;
 - (b) **“legal guardian”** means, in relation to any girl, any person who is for the time being her guardian, having been so appointed according to law by deed, will or by order of a court of competent jurisdiction.

131. Causing prostitution of a woman

Any person who procures or attempts to procure, a woman—

- (a) to become a common prostitute, whether within Saint Vincent and the Grenadines or elsewhere;
- (b) to leave Saint Vincent and the Grenadines intending her to become an inmate or, or to frequent, a brothel; or
- (c) to leave her usual place of abode in Saint Vincent and the Grenadines or elsewhere for the purposes of prostitution,

is guilty of an offence and liable to imprisonment for fourteen years.

132. Detention in a brothel

(1) Any person who detains a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse, or who detains a woman against her will in a brothel, is guilty of an offence and liable to imprisonment for fourteen years.

(2) Where a woman is on any premises for the purpose of having unlawful sexual intercourse, or is in a brothel, a person shall be deemed, for the purposes of this section, to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her clothes or any other property belonging to her, or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.

(3) A woman shall not be liable to any legal proceedings, civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises on which she was for the purpose of having unlawful sexual intercourse, or to leave a brothel.

133. Man living on earnings of prostitution

(1) A man who knowingly lives wholly or partly on the earnings of prostitution is guilty of an offence and liable to imprisonment for fourteen years.

(2) For the purposes of this section, a man who lives with or is habitually in the company of a prostitute, or who exercises control over a prostitute's movements in a way which shows that he is aiding, abetting, counselling or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution unless he proves the contrary.

134. Woman exercising control over prostitute

A woman who, for the purposes of gain, exercises control, direction or influence over a prostitute's movements in a way which shows that she is aiding, abetting, counselling or compelling her prostitution, is guilty of an offence and liable to imprisonment for fourteen years.

135. Living on earnings of male prostitute

Any person who knowingly lives wholly or in part on the earnings of prostitution of a man, is guilty of an offence and liable to imprisonment for fourteen years.

136. Keeping, etc., a brothel

(1) Any person who keeps a brothel, or manages or assists in managing a brothel, is guilty of an offence and liable to imprisonment for fourteen years.

(2) For the purpose of this section and section 137, a brothel is a house, room or any other place resorted to by more than one prostitute for the purpose of prostitution, and the fact that one of the women is the owner or tenant and the occupier of the premises is immaterial.

137. Letting premises for use as a brothel

Any person who is the owner or lessor of, or who is the occupier or in control of, any premises, or his agent, who lets, or arranges for the letting of, the premises with the knowledge that they are to be used, in whole or in part, as a brothel, or who is a party to the use of such premises as a brothel, is guilty of an offence and liable to imprisonment for seven years. Upon the conviction of a person for an offence under this section, after having previously been convicted of an offence under this section, he shall be liable to imprisonment for fourteen years.

138. Procurement of a woman by threats

Any person who procures, or attempts to procure, a woman by threats or intimidation to have unlawful sexual intercourse, whether within Saint Vincent and the Grenadines or elsewhere, is guilty of an offence and liable to imprisonment for two years.

139. Procurement of a woman by false pretences

Any person who procures, or attempts to procure, a woman by false pretences or false representation, to have unlawful sexual intercourse, whether within Saint Vincent and the Grenadines or elsewhere, is guilty of an offence and liable to imprisonment for two years.

140. Administering drugs to facilitate intercourse

(1) Any person who applies or administers to, or causes to be taken by, a woman any drugs, matter or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her is guilty of an offence and liable to imprisonment for five years.

(2) A person shall not be convicted of an offence under this section or section 138 or 139 on the evidence of one witness only unless that witness is corroborated in some material particular.

141. Power to search for detained woman

(1) If it appears to any judicial officer, on information made before him on oath by any parent, relative or guardian of any woman, or by any other person who, in the opinion

of the judicial officer, is acting *bona fide* in the interests of any woman, that there is reasonable cause to suspect that such woman is detained for immoral purposes by any person in any place within his jurisdiction, such judicial officer may issue a warrant authorising the person named therein to search and, when found, to take to and detain in a place of safety such woman until she can be brought before a magistrate. A magistrate before whom such a woman is brought may cause her to be delivered to her parent or guardian or otherwise dealt with as circumstances permit and require.

(2) A woman shall be deemed to be unlawfully detained for immoral purposes if she is detained for the purpose of having unlawful sexual intercourse, and—

- (a) is under the age of fifteen;
- (b) if of or over the age of fifteen and under the age of eighteen and is detained against her will, or the will of her parents or any person having the lawful charge or care of her; or
- (c) is over the age of eighteen and is detained against her will.

(3) Any person authorised by warrant under this section to search for any woman may enter (by force if need be) any house, building or other place named in the warrant and may remove such woman therefrom.

142. Incest by a man

Any man who has sexual intercourse with a woman whom he knows to be his granddaughter, daughter, sister or mother is guilty of an offence and liable to imprisonment for fourteen years.

143. Divesting of authority

On the conviction before any court of any person for an offence under section 142, or of an attempt to commit such offence, against a female under the age of eighteen, it shall be in the power of the court to divest the offender of all authority over such female and, if the offender is the guardian of such woman, to remove the offender from such guardianship and in any such case to appoint any person to be the guardian of such woman during her minority period:

Provided that the High Court may at any time vary or rescind the order by the appointment of some other person as guardian or in any other respect.

144. Incest by a woman

Any woman of the age of fifteen or over who permits a man who she knows to be her grandfather, father, brother or son to have sexual intercourse with her is guilty of an offence and liable to imprisonment for seven years.

145. Test of relationship in incest

In sections 142 and 144 the expressions “**brother**” and “**sister**” include halfbrother and halfsister respectively, and the provisions of the sections shall apply whether the relationship between the person charged with the offence and the person with whom the offence is alleged to have been committed is, or is not, traced through lawful wedlock.

146. Buggery

Any person who—

- (a) commits buggery with any other person;
- (b) commits buggery with an animal; or

(c) permits any person to commit buggery with him or her, is guilty of an offence and liable to imprisonment for ten years.

147. Assault with intent to commit buggery

Any person who commits an assault with intent to commit buggery, is guilty of an offence and liable to imprisonment for seven years.

148. Indecent practices between persons of the same sex

Any person who, whether in public or private, commits any act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years.

CHAPTER IX

Abortion, etc.

149. Abortion

(1) Any person who, with intent to procure the miscarriage of a woman, whether she is with child or not, unlawfully administers to her, or causes her to take, any poison or other noxious thing, or uses any force of any kind, or uses any other means whatsoever, is guilty of an offence and liable to imprisonment for fourteen years.

(2) A person shall not be guilty of an offence under subsection (1) when a pregnancy is terminated in a hospital or other establishment approved for that purpose by the Chief Medical Officer, by a medical practitioner, if two medical practitioners are of the opinion, formed in good faith—

- (a) that the continuation of the pregnancy would involve risk to the life of the pregnant woman, or injury to her physical or mental health or of any existing children of her family, greater than if the pregnancy were terminated; or
- (b) that there is a substantial risk that, if the child were born, it would suffer from such physical or mental abnormality as to be seriously handicapped:

Provided that the reference to the opinion of two medical practitioners and to an approved hospital or other establishment shall not apply to the termination of a pregnancy by a registered medical practitioner in a case in which he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life of, or to prevent grave permanent injury to the physical or mental health of, the pregnant woman.

(3) In determining, for the purpose of subsection (2), whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in paragraph (a), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(4) A person shall not be guilty of an offence under subsection (1) when a pregnancy is terminated in a hospital or other establishment approved for that purpose by the Chief Medical Officer, if the pregnancy had resulted from an act of rape or incest as defined in section 142, whether or not any person had been charged with the offence of rape or incest which resulted in the pregnancy in question.

150. Woman attempting own miscarriage

Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of

any kind, or uses any means whatsoever, or permits any such thing or means to be administered to her or used on her, is guilty of an offence and liable to imprisonment for seven years.

151. Supplying poison, etc., with intent to procure a miscarriage

Any person who unlawfully supplies to, or procures for, any person any poison or other noxious thing, or uses any force or any instrument or thing whatsoever, knowing that the same is to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether or not she be with child, is guilty of an offence and liable to imprisonment for five years.

CHAPTER X

Offences Relating to Marriage

152. Bigamy

(1) Subject to the provisions of subsection (2), any person who, being married, marries any other person during the life of the former husband or wife, is guilty of an offence and liable to imprisonment for seven years.

(2) A person shall not be guilty of an offence under this section by reason of marrying a second time in any of the following cases—

- (a) where the husband or wife, as the case may be, of the person marrying a second time has been continually absent from such person for the space of seven years immediately preceding the date of the second marriage and has not been known to the other party to the first marriage to have been living during any part of such period;
- (b) where the husband or wife, as the case may be, who marries a second time, although no such period of seven years as is referred to in paragraph (a) has elapsed, in good faith and on reasonable grounds believed, at the time of the second marriage, that the other party to the first marriage was dead; or
- (c) where, prior to the date of the second marriage, the first marriage has been dissolved or declared to be void, or a degree of nullity made, by a court of competent jurisdiction.

153. Fraudulent pretence of marriage

Any person who wilfully and by fraud causes any woman, who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, is guilty of an offence and liable to imprisonment for seven years.

154. Fraudulently taking part in sham marriage ceremony

Any person who dishonestly, or with fraudulent intention, goes through a ceremony of marriage, knowing that he is not thereby lawfully married, is guilty of an offence and liable to imprisonment for five years.

155. Falsely pretending to be a marriage officer

Any person who solemnises a marriage under any written law governing the solemnisation of marriages, falsely pretending to be a marriage officer appointed under such written law, is guilty of an offence and liable to imprisonment for five years.

156. Personation in marriage ceremony

Any person who impersonates another person in a marriage ceremony, or who marries under a false name or description, with intent to deceive the other party to the marriage, is guilty of an offence and liable to imprisonment for seven years.

CHAPTER XI

Offences against the Person

157. Genocide

(1) The “**Genocide Convention**” means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9th December, 1948.

(2) A person commits an offence of genocide if he commits any act falling within the definition of “**genocide**” in Article II of the Genocide Convention as set out in subsection (3).

(3) “**Genocide**” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such—

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part;
- (d) imposing measures intended to prevent births in the group; or
- (e) forcibly transferring children of the group to another group.

158. Punishment for genocide

(1) Any person who commits genocide is liable—

- (a) if the offence consists of the killing of any person, to suffer death;
- (b) in any other case, to imprisonment for fourteen years.

(2) A prosecution in respect of genocide shall not be instituted except by, or with the written consent of, the Director of Public Prosecutions.

159. Definition of murder

(1) Any person who, with malice aforethought, causes the death of another person by an unlawful act or omission is guilty of murder and, subject to the provisions of section 24(2) and (3), shall be sentenced to death.

(2) For the purpose of this section, malice aforethought shall be deemed to be established by evidence proving either—

- (a) an intention to cause the death of, or to do grievous bodily harm to, any person, whether such person is the person actually killed or not; or
- (b) knowledge that the act or omission causing death will probably cause the death of or grievous bodily harm to some person, whether such person is or is not the person actually killed, although such knowledge is accompanied by indifference whether or not death or grievous bodily harm is caused, or by a wish that it may not be caused.

160. Persons suffering from diminished responsibility

(1) Where a person kills, or is party to the killing of, another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or other inherent cause induced by disease or injury) as substantially impaired his mental responsibility for his acts in doing, or being a party to, the killing.

(2) On a charge of murder it shall be for the defence to prove that the person charged is, by virtue of this section, not liable to be convicted of murder.

(3) A person who but for this section would be liable, whether as a principal or otherwise, to be convicted of murder shall be liable instead to be convicted of manslaughter. In such a case the court, instead of, or in addition to, any other punishment which it may inflict on a conviction for manslaughter, may order the convicted person to be detained during Her Majesty's pleasure.

(4) The fact that one party to the killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

161. Killing on provocation

Any person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute murder, who does the act which causes death in the heat of passion caused by sudden provocation, as hereinafter defined, and before there is time for his passion to cool, is guilty of manslaughter only.

162. Provocation defined

(1) The term "**provocation**" means and includes any wrongful act or insult of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, to whom he stands in a conjugal, parental, filial or fraternal relation, to deprive him of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered.

(2) Where on a charge of murder there is evidence on which the jury can find that the person charged was provoked (whether by things done or things said or both) to lose his self-control, in determining the question whether the provocation was enough to make an ordinary person do as he did the jury shall take into account everything, both said and done, according to the effect which, in its opinion, it would have on an ordinary person.

(3) For the purposes of this section, the expression an "**ordinary person**" shall mean an ordinary person of the community to which the accused belongs.

(4) Notwithstanding the foregoing, it shall be open to an accused person to establish provocation by proving that the person alleged to have done or said the things relied upon by the accused to establish provocation actually knew of certain circumstances touching and concerning the accused and that an ordinary person who knew of those circumstances would have reasonably believed that the accused would have been provoked by the things done or said to or concerning the accused.

163. Manslaughter

(1) Any person who, by any unlawful act or omission, causes the death of another person is guilty of manslaughter. For the purposes of this section an unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

(2) Any person who is guilty of manslaughter is liable to imprisonment for life.

164. Infanticide

(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 circumstance was such that but for this section the offence would have amounted to murder, she is guilty of infanticide and may be dealt with and punished as if she had been guilty of manslaughter.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of the opinion that by any wilful act or omission she 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 jury, notwithstanding that the circumstances were such that but for this section they might have returned a verdict of murder, may return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of a jury, upon an indictment 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 contrary to section 172.

165. Threats to murder

(1) Any person who maliciously sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter, writing or other documents threatening to kill or murder any person, is guilty of an offence and liable to imprisonment for ten years.

(2) For the purpose of subsection (1), “**document**” shall be deemed to include disc, tape, sound track or other device in which sounds or other data are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

166. Abetment of suicide

(1) Any person who aids, abets, counsels or procures the suicide of another, or the attempt by another to commit suicide, is guilty of an offence and liable to imprisonment for fourteen years.

(2) If, on the trial of an indictment for murder or manslaughter, it is proved that the accused aided, abetted, counselled or procured the suicide of the person in question, he may be found guilty of that offence.

167. Suicide pacts

(1) It shall be manslaughter and not murder for a person acting in pursuance of a suicide pact between him and another person to kill the other person, or to be a party to that other person killing himself or being killed by a third person.

(2) Where it is shown that the person charged with the murder of another person killed that other, or was a party to him killing himself or being killed, it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him and the other person.

(3) For the purpose of this section “**suicide pact**” means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person entering into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has a settled intention of dying in pursuance of that pact.

168. Causing death defined

A person shall be deemed to have caused the death of another person, although his act is not the immediate or not the sole cause of death, in any of the following cases—

- (a) if he inflicts bodily injury on another person in consequence of which that other person undergoes surgical or medical treatment which causes his death. In this case it is immaterial whether the treatment is mistaken if it was employed in good faith with common knowledge and skill, but the person inflicting the injury shall not be deemed to have caused the death if the treatment which was the immediate cause of the death was not employed in good faith or was so employed without common knowledge or skill;
- (b) if he inflicts a bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;
- (c) if, by actual or threatened violence, he causes such other person to perform an act which causes the death of that person, such act being a means of avoiding that violence which in the circumstances would appear natural to the person whose death is so caused;
- (d) if by an act or omission he hastens the death of a person suffering under any disease or injury which, apart from such act or omission, would have caused death; or
- (e) if his act or omission would not have caused death unless accompanied by an act or omission of the person killed or of another person.

169. Limitation as to time of death

(1) A person shall not be deemed to have killed another person if the death of that other person does not take place within a year and a day of the act or omission alleged to have caused or contributed to the death of that other person.

(2) The period referred to in subsection (1) shall be reckoned inclusive of the day on which the last act or omission causing or contributing to the death occurred.

170. Person capable of being killed

A child becomes capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, whether it has independent circulation or not, and whether the navel string is severed or not.

171. Killing unborn child

Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and then died he would be deemed to have unlawfully killed the child, is guilty of an offence and liable to imprisonment for life.

172. Concealing birth

Any person who, when a woman is delivered of a child, endeavours by any secret disposition of the dead body of the child, to conceal the birth, whether the child died before, at or after its birth, is guilty of an offence and liable to imprisonment for two years.

173. Wounding or causing grievous bodily harm with intent

Any person who, unlawfully and maliciously, by any means whatever, wounds, or causes grievous bodily harm to any person with intent so to do, or with intent to resist or prevent the lawful apprehension or detainer of any person, is guilty of an offence and liable to imprisonment for life.

174. Wounding or inflicting grievous bodily harm

Any person who, unlawfully and maliciously, wounds, or inflicts any grievous bodily harm upon any other person, either with or without a weapon or instrument, is guilty of an offence and liable to imprisonment for fourteen years.

175. Attempting to choke, etc., in order to commit an offence

Any person who, by any means whatsoever, attempts to choke, suffocate or strangle any other person, or who by any other means calculated to choke, suffocate or strangle, attempts to render any person insensible, unconscious or incapable of resistance with intent in any such case thereby to enable himself, or any other person, to commit, or with intent in any such case thereby to enable any other person in committing, any criminal offence, is guilty of an offence and liable to imprisonment for life.

176. Using anaesthetics, etc., in order to commit an offence

Any person who unlawfully applies or administers to, or causes to be taken by, or who attempts to administer to, or cause to be taken by, any other person any chloroform, laudanum or other anaesthetic, or any stupefying or over-powering drug, matter or thing, with intent in any of such cases to enable himself, or any other person, to commit, or with intent in any of such cases thereby to assist any other person in committing, any criminal offence, or to facilitate the flight of an offender after the commission, or attempted commission, of an offence, is guilty of an offence and liable to imprisonment for life.

177. Administering poison, etc., so as to endanger life or inflict grievous harm

Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing so as thereby to endanger the life of such person, or so as thereby to inflict upon such other person any grievous bodily harm, is guilty of an offence and liable to imprisonment for ten years.

178. Administering poison with intent to injure

Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any person any poison or other destructive or noxious thing with intent to injure, aggrieve or annoy such person, is guilty of an offence and liable to imprisonment for five years.

179. Impeding escape from shipwreck or wreck of aircraft

Any person who, unlawfully and maliciously, prevents or impedes any person being on board of, or having quitted, any vessel or aircraft which is in distress or wrecked, stranded or cast on shore, in his endeavour to save his life, or unlawfully and maliciously prevents or impedes any other person in his endeavour to save the life of any such person, is guilty of an offence and liable to imprisonment for life.

180. Causing bodily harm by corrosive or explosive substance

Any person who, unlawfully and maliciously by the use of any corrosive substance or the explosion of any explosive substance, burns, maims, disfigures, disables or causes any

grievous bodily harm to any person, is guilty of an offence and liable to imprisonment for life.

181. Using corrosive or explosive substance with intent

Any person who unlawfully and maliciously—

- (a) causes any explosive substance to explode;
- (b) sends or delivers, or causes to be taken or received by any person, any explosive substance or any other dangerous or noxious thing;
- (c) puts or lays at any place any corrosive fluid or any destructive or explosive substance; or
- (d) casts, or throws at or upon, or otherwise applies to any person any corrosive fluid or any destructive or explosive substance,

with intent in any such case to burn, maim, disfigure or disable or to do some grievous bodily harm to any person, is guilty of an offence and liable to imprisonment for life.

182. Placing explosive near building, etc., with intent to cause bodily harm

Any person who unlawfully and maliciously places or throws in, into, upon, against or near any building, aircraft, vehicle ship or vessel any explosive substance with intent to do any bodily injury to any person, whether or not any explosion takes place and whether or not any bodily injury be effected, is guilty of an offence and liable to imprisonment for life.

183. Causing explosion likely to endanger life or property

Any person who, unlawfully and maliciously, causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property, whether any injury to person or property has actually been caused or not, is guilty of an offence and liable to imprisonment for fourteen years.

184. Setting traps, etc., with intent to inflict grievous bodily harm

(1) Any person who sets or places, or causes to be set or placed, any spring-gun, mantrap or other engine or device (including any electrical device or wiring) calculated to destroy human life or inflict grievous bodily harm, with the intent that the same, or whereby the same, may kill or inflict grievous bodily harm upon a trespasser or other person coming into contact therewith, is guilty of an offence and liable to imprisonment for five years.

(2) Any person who, knowingly and wilfully, permits any such contrivance, engine or device as is referred to in subsection (1), which may have been set or placed in any place then being in, or afterwards coming into, his possession, to continue so set or placed, shall be deemed to have set or placed the same with intent as aforesaid.

(3) Nothing in this section contained shall extend to make it illegal to set or place any trap or other device such as may have been or may usually be set with the intent of destroying vermin.

185. Unlawful use of firearms

Any person who unlawfully discharges, or attempts to discharge, any firearm at any person, or, being armed with a firearm, unlawfully threatens to discharge such firearm at any person, is guilty of an offence and liable in addition to any other liability for any offence he may thereby commit, to imprisonment for ten years.

186. Excessive use of force

Any person who is authorised by law, or by the consent of the person injured by him, to use force shall be criminally responsible for the consequences of the force he may use if it exceeds what is reasonable having regard to all the circumstances of the case.

187. Reckless and negligent acts

Any person who in any manner so rash or negligent as to endanger human life or to be likely to cause harm to any person—

- (a) drives or rides in any public place;
- (b) navigates or takes part in the navigation or working of any vessel, vehicle or aircraft;
- (c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from fire or combustible matter in his possession or control;
- (d) omits to take precaution against any probable danger from any animal in his control or possession;
- (e) dispenses, supplies, sells, administers or gives away any medicine or poisonous dangerous matter;
- (f) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery of which he is solely or partly in charge; or
- (g) does any act with respect to, or omits to take proper precautions against any probable danger from, any firearm or explosive in his possession,

is guilty of an offence and liable to imprisonment for two years.

188. Other negligent acts or omissions causing harm

Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act specified in section 187, by which act or omission harm is caused to any person is guilty of an offence and liable to imprisonment for six months.

189. Dealing with poisonous substance in a negligent manner

Any person who does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such care with any poisonous substance in his possession or control as is sufficient to guard against probable danger to human life from such poisonous substance, is guilty of an offence and liable to imprisonment for six months.

190. Act tending to the destruction of aircraft or vessel

(1) Any person who unlawfully masks, alters, destroys or removes any beacon, light or signal, or unlawfully exhibits any false light or signal, with intent to bring any aircraft or vessel into danger, or who unlawfully and maliciously does anything tending to the loss or destruction of any aircraft or vessel, is guilty of an offence and liable to imprisonment for life.

(2) Any person who unlawfully and maliciously cuts away, casts adrift, alters, defaces, sinks, conceals or destroys any beacon, buoy, rope, perch or mark used or intended for the guidance of seamen or airmen for the purpose of navigation, is guilty of an offence and liable to imprisonment for seven years.

(3) For the purpose of this section, “**beacon**” includes any radio beacon and “**signal**” includes any radio or similar signal.

191. Conveying persons for hire in unsafe conveyance

Any person who, knowingly or negligently, conveys or causes any person to be conveyed for hire by land, water or air in any vehicle, vessel or aircraft when such vehicle, vessel or aircraft is in such a state, or so loaded, as to be unsafe, is guilty of an offence and liable to imprisonment for one year.

192. Common assault

Any person who unlawfully assaults another is guilty of an offence and, if the assault is not committed in circumstances for which a greater punishment is provided by this Code or any other law, is liable to imprisonment for one year.

193. Assault causing actual bodily harm

Any person who commits an assault causing actually bodily harm is guilty of an offence and liable to imprisonment for five years.

194. Assault on person protecting wreck

Any person who assaults any judicial or police officer or other person lawfully authorised in, or on account of, the execution of his duty, in or concerning the preservation of any vessel or aircraft in distress, or of any vessel or aircraft or of goods or effects wrecked, stranded, or cast on any land or shore or lying under any water, is guilty of an offence and liable to imprisonment for seven years.

195. Other assaults especially punishable

Any person who—

- (a) assaults any person with intent to commit an offence or to prevent the lawful apprehension or detainer of himself or another for any offence;
- (b) assaults, resists or obstructs any person engaged in a lawful execution of process, or in making lawful distress, with intent to rescue any property taken, or to be taken, under such process of distress; or
- (c) assaults any person on account of any act done by him in the execution of any duty imposed on him by law,

is guilty of an offence and liable to imprisonment for two years.

196. Assault on police officers, etc.

Any person who assaults, resists or wilfully obstructs any police officer acting in the due execution of his duty, or any person acting in aid of such officer, is guilty of an offence and liable to imprisonment for two years.

197. Failure to supply necessities

Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of that other person is, or is likely to be, endangered, or his health is, or is likely to be, seriously or permanently injured, is guilty of an offence and liable to imprisonment for five years.

198. Abandoning or exposing child under two

Any person who unlawfully abandons or exposes any child under the age of two whereby the life of such child is endangered, or the health of such child is, or is likely to be, seriously or permanently injured, is guilty of an offence and liable to imprisonment for five years.

CHAPTER XII

Abduction, Kidnapping and Similar Crimes

199. Abduction

Any person who, by force, compels, or by any deceitful means induces, any person to go from any place is said to abduct that person and is guilty of an offence and liable, unless some other punishment is provided, to imprisonment for five years.

200. Kidnapping

Any person who steals and carries away or secretes any person without the consent of that person, or of some person legally authorised to consent on behalf of that person, or who imprisons any person in such a manner as to prevent him applying to a court for his release, or from discovering to any other person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned, is said to kidnap that person and is guilty of an offence and liable to imprisonment for fourteen years.

201. Abducting with intent to convey out of Saint Vincent and the Grenadines

Any person who abducts any person with intent to cause him to be taken out of Saint Vincent and the Grenadines is liable to imprisonment for fourteen years.

202. Abducting female with intent to marry, etc.

Any person who abducts any female with intent to marry or to have sexual intercourse with her, or to cause her to be married or to have sexual intercourse with any other person, is liable to imprisonment for fourteen years.

203. Unlawfully taking girl under fifteen from parents

Any person who unlawfully takes, or causes to be taken, any girl under the age of fifteen out of the possession of and against the will of her parents or other person having the lawful charge or care of her, is guilty of an offence and liable to imprisonment for two years.

204. Child stealing

(1) Any person who, with intent to deprive any parent or other person having lawful charge or care of a child under the age of fourteen, of the possession of such child, or with intent to steal any article on or about such child, by force or fraud takes or entices away or detains such child, is guilty of an offence and liable to imprisonment for seven years.

(2) It is a defence to a charge under subsection (1) if the accused claims in good faith a right to possession of the child, or, in the case of an illegitimate child, is its mother or claims to be its father.

205. Wrongful concealing or confining

Any person who, knowing that any person has been the object of an offence under section 199, 201, 202 or 204 wrongfully conceals or confines such person, is guilty of an offence and shall be liable to the same punishment as if he had kidnapped, abducted or stolen such person with the same intent or for the same purpose as that with or for which he conceals or detains such person.

206. Other wrongful confinement

Any person who, without lawful authority, confines any person in circumstances not constituting an offence under any of the other provisions of this Chapter, is guilty of an offence and liable to imprisonment for two years.

207. Unlawful compulsory labour

Any person who unlawfully compels any other person to labour against the will of that person is guilty of an offence and liable to imprisonment for two years.

CHAPTER XIII

Offence Relating to Property

208. Definition and construction

(1) In this Chapter—

“**gain**” and “**loss**” are to be construed as extending only to gain and loss in money or other property, but as extending to any such gain or loss whether temporary or permanent; and—

- (i) “**gain**” includes a gain by keeping what one has, as well as getting what one has not, and
- (ii) “**loss**” includes a loss by not getting what one might get, as well as a loss by parting with what one has;

“**goods**”, except in so far as the context otherwise requires, includes money and every other description of property except land, and includes things severed from the land by stealing.

(2) The provisions of this Chapter shall apply in relation to the parties to a marriage and to property belonging to the wife or husband, whether or not by reason of an interest derived from the marriage as they would apply if they were not married and any such interest subsisted independently of the marriage.

(3) Subject to subsection (5), a person shall have the same right to bring proceedings against that person’s wife or husband for any offence (whether under this Act or otherwise) as if they were not married, and a person bringing any such proceedings shall be competent to give evidence for the prosecution at every stage of the proceedings.

(4) Where a person is charged in proceedings not brought by that person’s wife or husband with having committed any offence with reference to that person’s wife or husband, that person’s wife or husband shall be competent to give evidence at every stage of the proceedings, whether for the defence or for the prosecution, and whether the accused is charged solely or jointly with any other person:

Provided that a wife or a husband shall not be compelled either to give evidence or, in giving evidence, to disclose any communication made to her or him during marriage to the accused.

(5) Proceedings shall not be instituted against a person for any offence of stealing property which at the time of the offence belongs to that person’s wife or husband, or for

any attempt, incitement or conspiracy to commit such offence, unless the proceedings are instituted by, or with the consent of, the Director of Public Prosecutions:

Provided that—

- (a) this subsection shall not apply to proceedings against a person for an offence—
 - (i) if that person is charged with committing the offence jointly with the wife or husband, or
 - (ii) if by virtue of any judicial decree or order (wherever made) that person and the wife or husband are at the time of the offence under no obligation to cohabit; and
- (b) this subsection shall not prevent the arrest, or the issue of a warrant for the arrest of, a person for an offence, or the remand in custody or on bail of a person charged with an offence, where the arrest (if without a warrant) is made, or the warrant of arrest issues on an information laid, by a person other than the wife or husband.

209. Theft

(1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it, and “thief” and “steal” shall be construed accordingly.

(2) It is immaterial whether or not the appropriation is made with a view to gain or is made for the thief’s own benefit.

(3) The five following sections shall have effect as regards the interpretation and operation of this section and (except as otherwise provided by this Code) shall apply only for the purposes of this section:

Provided that sections 210(1) and 211(1) shall apply generally for the purposes of this Chapter.

210. “Dishonestly”

(1) A person’s appropriation of property belonging to another is not to be regarded as dishonest—

- (a) if he appropriates the property in the honest and reasonable belief that he has, in law, the right to deprive the other of it on behalf of himself or of a third person;
- (b) if he appropriates the property in the honest and reasonable belief that he would have the other’s consent if the other knew of the appropriation and the circumstances of it; or
- (c) except where the property came to him as a trustee or personal representative, if he appropriates the property in the honest and reasonable belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.

(2) A person’s appropriation of property belonging to another may be dishonest notwithstanding that he is willing to pay for the property.

211. “Appropriates”

(1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as its owner.

(2) Where property, or a right or interest in property, is, or purports to be, transferred for value to a person acting in good faith, no later assumption by him of rights which he believed himself to be acquiring shall, by reason of any defect in the transferor's title, amount to theft of the property.

212. "Property"

(1) **"Property"** includes money and all other property, real or personal, including things in action and other intangible property.

(2) A person cannot steal land, or things forming part of land and severed from it by him or by his directions, except in the following cases—

- (a) when he is a trustee or personal representative, or is authorised by power of attorney, or as a liquidator of a company or otherwise, to sell or dispose of land belonging to another, and he appropriates the land or anything forming part of it by dealing with it in breach of the confidence reposed in him;
- (b) when he is not in possession of the land and appropriates anything forming part of the land by severing it or causing it to be severed, or after it has been severed; or
- (c) when, being in possession of land under a tenancy, he appropriates the whole or part of any fixture or structure let to be used with the land.

For the purposes of this subsection, **"land"** does not include incorporeal hereditaments, **"tenancy"** means a tenancy for years or any less period and includes an agreement for such a tenancy, but a person who, after the end of the tenancy, remains in possession as statutory tenant or otherwise is to be treated as having possession under the tenancy and **"let"** shall be construed accordingly.

(3) A person who picks anything growing wild on any land, or who picks flowers, fruits or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks unless he does it for reward or sale or for other commercial purposes.

(4) Wild creatures, tamed or untamed, shall be regarded as property; but a person cannot steal a wild creature not tamed nor ordinarily kept in captivity, or the carcass of any such creature, unless it has been reduced into possession by or on behalf of another and possession of it has not since been lost or abandoned, or another person is in the course of reducing it into possession.

213. "Belonging to another"

(1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest).

(2) Where property is subject to a trust, the persons to whom it belongs shall be regarded as including any person having a right to enforce the trust, and an intention to defeat the trust shall be regarded accordingly as an intention to deprive of the property any person having that right.

(3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other.

(4) Where a person gets property by another's mistake, and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then, to the extent of that obligation, the property or proceeds shall be regarded (as against him) as belonging to the persons entitled to restoration, and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds.

(5) Property of a corporation sole shall be regarded as belonging to the corporation notwithstanding a vacancy in the corporation.

214. “Intention of permanently depriving”

(1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to dispose of regardless of the other’s rights; and a borrowing or lending of it may amount to so treating it if, but only if, the borrowing or lending is for a period and in circumstances, making it equivalent to an outright taking or disposal.

(2) Without prejudice to the generality of subsection (1), where a person, having possession or control (whether lawfully or not) of property belonging to another, parts with the property under a condition as to its return which he may not be able to perform, this (if done for purposes of his own and without the other’s authority) amounts to treating the property as his own to dispose of regardless of the other’s rights.

215. Punishment for theft

Any person who commits theft is guilty of an offence and liable to imprisonment—

- (a) on summary conviction, for two years; or
- (b) on conviction on indictment, for ten years.

216. Robbery

Any person who steals and, immediately before or at the time of so doing and in order to do so, uses force on any person or puts, or seeks to put, any person in fear of being then and there subjected to force, is guilty of an offence and liable to imprisonment for life.

217. Burglary

(1) Any person who—

- (a) enters any building or part of a building as a trespasser and with intent to commit any offence mentioned in subsection (2); or
- (b) having entered any building as a trespasser, steals, or attempts to steal, anything in the building or that part of it, or inflicts, or attempts to inflict, on any person therein grievous bodily harm,

is guilty of an offence and liable to imprisonment for fourteen years.

(2) The offences referred to in subsection (1) (a) are offences of stealing anything in the building in question, or inflicting on any person therein any bodily harm, or assaulting any woman therein, and of doing unlawful damage to the building or anything therein.

(3) Reference in this section to a building shall apply also to any inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having habitation of it is there as well as at times when he is not there.

218. Aggravated burglary

(1) Any person who commits burglary and at the time has with him any firearm or imitation firearm, any weapon of offence or any explosive, is guilty of aggravated burglary and liable to imprisonment for life.

(2) In this section—

- (a) **“firearm”** includes an airgun and airpistol, and **“imitation firearm”** means anything which has the appearance of being a firearm whether capable of being discharged or not;
- (b) **“weapon of offence”** means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use;
- (c) **“explosive”** means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.

219. Removing articles from place open to the public

(1) Subject to subsections (2) and (3), where the public have access to a building in order to view the building, or part of it, or a collection or part of a collection housed in it, any person who, without lawful authority, removes from the building or its grounds the whole or part of any article displayed, or kept for display, to the public in the building or that part of it or in its grounds, is guilty of an offence and liable to imprisonment for five years.

(2) For the purposes of this section **“collection”** includes any collection got together for a temporary purpose, but does not include a collection made or exhibited for the purpose of effecting sales or other commercial dealings.

(3) It is immaterial for the purposes of subsection (1) that the public’s access to a building is limited to a particular period or occasion; but where anything removed from the building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this section unless he removes it on a day when the public have access to the building as mentioned in subsection (1).

(4) A person does not commit an offence under this section if he honestly and reasonably believes that he has lawful authority for the removal of the thing in question or that he would have that authority if the person entitled to give it knew of the removal and the circumstances of it.

220. Abstraction of electricity

Any person who dishonestly uses without lawful authority, or dishonestly causes to be wasted or diverted, any electricity, is guilty of an offence and liable to imprisonment for two years.

221. Fraudulent use of telephone or telex system

Any person who dishonestly uses a telephone or telex system with intent to avoid payment, is guilty of an offence and liable to imprisonment for two years.

222. Taking conveyance without authority

(1) Any person who, for his own use or that of another person, takes any conveyance constructed or adapted for the carriage of a person or persons, whether by land, water or air, without having the consent thereto of the owner or hirer thereof (including a hirer under a self-drive or hire-purchase contract), or not having other lawful authority or, knowing that such conveyance has been taken without such consent or authority, drives it or allows himself to be carried in it or on it, is guilty of an offence and liable to imprisonment for one year.

(2) It shall be a defence to a charge under this section if the person charged had an honest and reasonable belief that he acted under lawful authority or that, in the

circumstances, the owner or hirer would have given his consent had he been aware of the taking.

(3) If on a trial for theft of a conveyance the court is not satisfied that the accused was guilty of the theft of the conveyance but it is proved that the accused committed an offence under this section he may be found guilty of an offence under this section.

223. Obtaining property by deception

(1) Any person who by any deception dishonestly obtains any property belonging to another, with the intention of permanently depriving the other of it, is guilty of an offence and liable—

- (a) on summary conviction to imprisonment for two years; or
- (b) on conviction on indictment to imprisonment for ten years.

(2) For the purposes of this section a person shall be treated as obtaining property if he obtains ownership, possession or control of it, and “obtain” includes obtaining for another or enabling another to obtain or retain.

(3) Section 214 shall apply for the purposes of this section, with the necessary adaption of the reference to appropriating, as it applies for the purpose of section 209.

(4) For the purposes of this section and sections 224, 225 and 226, “**deception**” means any deception (whether deliberate or reckless) by words or conduct as to a fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.

224. Evasion of liability by deception

(1) Subject to subsection (2), any person who by any deception—

- (a) dishonestly secures the remission of the whole or any part of any existing liability to make payment, whether his own liability or another’s;
- (b) with intent to make permanent default in whole or in part of any existing liability to make payment, or with intent to let another do so, dishonestly induces the creditor to wait for payment (whether or not the due date for payment is deferred) or to forego payment; or
- (c) dishonestly obtains any exemption from, or abatement of liability to, make a payment,

is guilty of an offence and liable—

- (i) on summary conviction to imprisonment for two years, or
- (ii) on conviction on indictment, to imprisonment for five years.

(2) For the purposes of this section, “**liability**” means legally enforceable liability; and subsection (1) shall not apply in relation to a liability that has not been accepted or established to pay compensation for a wrongful act or omission.

(3) For the purposes of subsection (1)(b), a person induced to take in payment a cheque or other security for money by way of conditional satisfaction of a pre-existing liability is to be treated as not being paid but as being induced to wait for payment.

(4) For the purposes of subsection (1)(c), “**obtains**” includes obtaining for another or enabling another to obtain.

225. Obtaining services by deception

(1) Any person who by any deception dishonestly obtains services from another is guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for two years; or
- (b) on conviction on indictment, to imprisonment for five years.

(2) It is an obtaining of services where another is induced to confer a benefit by doing some act, or causing or permitting an act to be done, on the understanding that the benefit has been or will be paid for.

226. Obtaining pecuniary advantage by deception

(1) Any person who, by any deception, dishonestly obtains for himself or another any pecuniary advantage, is guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for two years; or
- (b) on conviction on indictment, to imprisonment for five years.

(2) The cases in which a pecuniary advantage within the meaning of this section is to be regarded as obtained for a person are where—

- (a) any debt or charge for which he makes himself liable or is, or may become, liable (including one not legally enforceable) is reduced in whole or in part or evaded or deferred;
- (b) he is allowed to borrow by way of overdraft, or to take out any policy of insurance or annuity contract, or obtains an improvement of the terms on which he is allowed to do so; or
- (c) he is given the opportunity to earn remuneration, or greater remuneration, in an office or employment, or to win money by betting.

227. Making off without payment

(1) Subject to subsection (3), a person who, knowing that payment on the spot for any goods supplied or services done is required or expected of him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount, is guilty of an offence and liable to imprisonment for six months.

(2) For the purposes of this section, “**payment on the spot**” includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

(3) Subsection (1) shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service is such that payment is not legally enforceable.

228. False accounting

(1) Any person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another—

- (a) destroys, defaces, conceals or falsifies any account or any record or document made or required for an accounting purpose; or
- (b) in furnishing information for any purpose, produces or makes use of any account or any such record or document as aforesaid which, to his knowledge is or may be misleading, false or deceptive in a material particular,

is guilty of an offence and liable to imprisonment for seven years.

(2) For the purposes of this section a person who makes, or concurs in making, in any account or other document an entry which is, or maybe, misleading, false or deceptive in a material particular, or who omits, or concurs in omitting, a material particular from an account or other document, is to be treated as falsifying that account or document.

229. Officers of company liable for certain offences committed by company

(1) Where an offence under this Chapter is committed by a body corporate and is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in that capacity, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

230. False statements by company directors, etc.

(1) Any director or officer (by whatever name called) of a body corporate or incorporated association (or any person purporting to act as such) who, with intent to deceive members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement, account or other document which to his knowledge is, or may be, misleading, false or deceptive in a material particular, is guilty of an offence and liable to imprisonment for seven years.

(2) For the purpose of this section a person who has entered into a security for a body corporate shall be deemed to be a creditor of it.

(3) Where the affairs of a body corporate or association are managed by its members, this section shall apply to any statement, account or other document which a member publishes, or concurs in publishing, in connection within his function of management as if he were an officer of that body corporate or association.

231. Destruction, etc., of valuable security, or procuring execution of same by deception

(1) Any person who dishonestly, with a view to gain by himself or another or with intent to cause loss to another, destroys, defaces or conceals any valuable security, will or other testamentary document, or any original document of or belonging to, or filled or deposited in, any court of justice or any government department, is guilty of an offence and liable to imprisonment for seven years.

(2) Any person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, by any deception procures the execution of a valuable security, is guilty of an offence and liable to imprisonment for seven years.

(3) Subsection (2) shall apply in relation to the making, acceptance, indorsement, alteration, cancellation or destruction in whole or in part of a valuable security, and in relation to the signing of any paper or other material in order that it may be made or converted into, or used or dealt with as, a valuable security, as if that were the execution of a valuable security.

(4) For the purpose of this section “**deception**” has the same meaning as in section 223, and “**valuable security**” means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of any such right or the payment of money or the delivery of any property, or the satisfaction of any obligation.

232. Blackmail

(1) Any person who, with a view to gain for himself or another, or with intent to cause loss to another, makes any unwarranted demand with menaces, is guilty of an offence and liable to imprisonment for fourteen years.

(2) A demand is unwarranted unless the person making it does so in the belief—

- (a) that he has reasonable grounds for making the demand; and
- (b) that the use of the menaces is a proper means of enforcing the demand.

(3) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.

233. Handling stolen goods

(1) A person handles stolen goods if (otherwise than in the course of stealing) knowing or believing them to be stolen goods he dishonestly receives the goods or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so.

(2) Any person who handles stolen goods is guilty of an offence and liable—

- (i) on summary conviction to imprisonment for two years, or
- (ii) on conviction on indictment to imprisonment for ten years.

234. Provisions relating to stolen goods

(1) The provisions of this Code relating to goods which have been stolen apply whether the stealing occurred in Saint Vincent and the Grenadines or elsewhere (and whether it occurred before the commencement of this Code) provided that the stealing, if not an offence under this Code, amounted to an offence where and at the time the goods were stolen, and reference to stolen goods shall be construed accordingly.

(2) For the purposes of these provisions references to stolen goods shall include, in addition to the goods originally stolen and parts of them (whether in their original state or not)—

- (a) any other goods which directly or indirectly represent, or have at any time represented, the stolen goods in the hands of the thief as being the proceeds of any disposal or realisation of the whole or part of the goods stolen, or of goods so representing the stolen goods; and
- (b) any other goods which directly or indirectly represent, or have at any time represented, the stolen goods in the hand of the handler of the stolen goods, or any part of them, as being the proceeds of any disposal or realisation of the whole or part of the stolen goods handled by him or of goods so representing them.

(3) Notwithstanding the foregoing provisions of this section, no goods shall be regarded as having continued to be stolen goods after they have been restored to the person from whom they were stolen or to other lawful possession or custody, or after that person and any other person claiming through him have otherwise ceased, as regards those goods, to have any right to restitution in respect of the theft.

(4) For the purposes of the provisions of this Code relating to goods which have been stolen (including the provisions of this section), goods obtained in Saint Vincent and the Grenadines or elsewhere by blackmail, or in circumstances referred to in section 223(1) shall be regarded as having been stolen, and “steal”, “theft” and “thief” shall be construed accordingly.

235. Procedure and evidence in trial for handling stolen goods

(1) Any number of persons may be charged in one indictment, with reference to the same theft, having at different times or at the same time handled all or any of the stolen goods, and the persons so charged may be tried together.

(2) On the trial of two or more persons charged for jointly handling stolen goods, the court may find any of the accused guilty if satisfied that he handled any of the stolen goods, whether or not he did so jointly with the other accused or any of them.

(3) Where a person is charged with handling stolen goods (but not with any offence other than handling stolen goods), then at any stage of the proceedings, if evidence has been given of his having, or arranging to have, in his possession the goods the subject of the charge, or of his undertaking or assisting in, or arranging to undertake or assist in, their retention, removal, disposal or realisation, the following evidence shall be admissible for the purpose of proving that he knew or believed the goods to be stolen goods—

- (a) evidence that he has had in his possession, or has undertaken or assisted in the retention, removal, disposal or realisation of, stolen goods from any theft taking place not earlier than twelve months before the offence charged; and
- (b) provided that seven days' notice in writing has been given to him of the intention to prove the conviction, evidence that he has, within the five years preceding the date of the offence charged, been convicted of theft or of handling stolen goods.

(4) This section shall be construed in accordance with section 234, and in subsection (3)(b) the references to theft and handling stolen goods shall be construed to include any corresponding offence committed before the date of commencement of this Code.

236. Evidence by statutory declaration in certain cases

(1) In any proceedings for theft of anything in the course of transmission (whether by post or otherwise), or for handling stolen goods from such a theft, a statutory declaration made by any person that he despatched or received, or failed to receive, any postal packet or goods, or that any postal packet or goods when despatched or received by him were in a particular state or condition, shall be admissible as evidence of the facts stated in the declaration, subject to the following conditions—

- (a) a statutory declaration shall only be admissible where, and to the extent to which, oral evidence to the like effect would have been admissible in the proceedings; and
- (b) a statutory declaration shall only be admissible if, at least seven days before the trial of the charge, a copy of it has been given to the accused person and he has not, at least three days before the trial or within such other time as the court may in any particular case allow, given the prosecutor written notice requiring the attendance at the trial of the person making the declaration.

(2) This section shall be construed in accordance with section 234.

237. Going equipped to steal

(1) Any person who, when not at his place of abode, has with him any article for use in the course of, or in connection with, any burglary, theft or cheat is guilty of an offence and liable to imprisonment for three years.

(2) Where a person is charged with an offence under this section, proof that he had with him any article made or adapted for use in committing a burglary, theft or cheat shall be evidence that he had it with him for such use.

(3) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, committing an offence under this section.

(4) For the purposes of this section an offence under section 222 shall be treated as theft and cheat means an offence under section 223.

(5) Where any person is convicted of an offence under this Chapter, the court may order that any article referred to in subsection (1) carried or used in connection with any such offence, or found in possession of or under the control of such person at the time of his arrest, shall be forfeited to the Crown, or returned to the owner if the article was removed from his possession for such purpose and without his knowledge or consent:

Provided that the court shall not exercise its powers under this subsection if the article is not, *per se*, intended or adapted for use in connection with any burglary, theft or cheat and the person to whom such article belonged did not know that it was to be so used.

238. Restitution

(1) Where goods have been stolen and where a person is convicted of an offence under this Chapter with reference to the theft (whether or not the stealing is the gist of the offence), or a person is convicted of any other offence but such an offence as aforesaid is taken into consideration in determining his sentence, the court by or before which the offender is convicted may, on the conviction, (whether or not the passing of the sentence is deferred in other respects) exercise the following powers—

- (a) the court may order anyone having possession or control of the goods to restore them to any person entitled to recover them from him;
- (b) on the application of a person entitled to recover from the person convicted any other goods directly or indirectly representing the first-mentioned goods, (as being the proceeds of any disposal or realisation of the whole or part of them or of goods so representing them), the court may order those other goods to be delivered or transferred to the applicant;
- (c) the court, whether or not an application is made in that behalf, may order that a sum not exceeding the value of the first-mentioned goods shall be paid out of any money of the person convicted which was in his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.

(2) Where under subsection (1) the court on a person's conviction makes an order under paragraph (a) for the restoration of any goods, and it appears to the court that the person convicted has sold the goods to a person acting in good faith, or has borrowed money on the security of them from a person so acting, the court may order that there shall be paid to the purchaser or lender, out of any money of the person convicted which was taken out of his possession on his apprehension, a sum not exceeding the amount paid for the purchase by the purchaser or, as the case may be, the amount owed to the lender in respect of the loan. The powers conferred by this subsection may be exercised whether or not an application in that behalf is made to the court by or on behalf of any person claiming to be interested in the property concerned.

(3) The court shall not exercise the powers conferred by this section unless, in the opinion of the court, the relevant facts appear from the evidence given at the trial or from the available documents, together with admissions made by or on behalf of any person in connection with any proposed exercise of the said powers; and for this purpose the “**available documents**” means any written statements or admissions which were made for use and would have been admissible as evidence at the trial, the depositions taken at any committal proceedings and any written statements or admissions used as evidence in those proceedings.

(4) Where a person is committed to the High Court for sentence under the provisions of the Criminal Procedure Code, the powers conferred by this section shall be exercisable by the High Court and not by the magistrate's court, and the High Court shall be deemed to be the court before which such person is convicted.

(5) Where an order is made under this section and the person convicted appeals successfully against the conviction of the offence on the basis of which the order was

made, the order shall cease to have effect, and a person against whom such an order is made may appeal against the order as if it was part of the sentence imposed on the conviction for the offence.

(6) The provisions of this section shall be without prejudice to the powers conferred by sections 111 and 238 of the Criminal Procedure Code.

CHAPTER XIV

Forgery and Counterfeiting

239. “Instrument”

(1) Subject to subsection (2), in this Chapter “**instrument**” means—

- (a) any document, whether of a formal or informal character;
- (b) any stamp issued or sold by the Post Office;
- (c) any revenue stamp;
- (d) any disc, tape, sound track or other device on which information is recorded or stored by mechanical, electronic or other means.

(2) A currency note within the meaning of section 248 is not an instrument for the purposes of this Chapter.

(3) A mark denoting payment of postage which the Post Office authorises to be used instead of an adhesive stamp is to be treated for the purposes of this Chapter as if it were a stamp issued by the Post Office.

(4) In this Chapter, “**revenue stamp**” includes a stamp issued for the purposes of the Stamp Act or for the purposes of any other law.

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(5) In this Chapter, “**Minister**” means the Minister of Finance.

240. “False” and “making”

(1) An instrument is false for the purposes of this Chapter—

- (a) if it purports to have been made in the form in which it is made by a person who did not in fact make it in that form;
- (b) if it purports to have been made in the form in which it is made on the authority of a person who did not in fact authorise its making in that form;
- (c) if it purports to have been made in the terms in which it is made by a person who did not in fact make it in those terms;
- (d) if it purports to have been made in the terms in which it is made on the authority of a person who did not in fact authorise its making in those terms;
- (e) if it purports to have been altered in any respect by any person who did not in fact authorise the alteration in that respect;
- (f) if it purports to have been altered in any respect on the authority of a person who did not in fact authorise the alteration in that respect;
- (g) if it purports to have been made or altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered; or
- (h) if it purports to have been made or altered by an existing person but he did not in fact exist.

(2) A person is to be treated for the purposes of this Chapter as making a false instrument if he alters an instrument so as to make it false in any respect (whether or not it is false in some other respect apart from the alteration).

241. “Prejudice” and “induce”

(1) Subject to subsections (2) and (4), for the purposes of this Chapter an act or omission intended to be induced is to a person’s prejudice if, and only if, it is one which, if it occurs—

- (a) will result—
 - (i) in his temporary or permanent loss of property,
 - (ii) in his being deprived of an opportunity to earn remuneration or greater remuneration, or
 - (iii) in his being deprived of an opportunity to gain a financial advantage otherwise than by way of remuneration;
- (b) will result in somebody being given an opportunity—
 - (i) to earn remuneration or greater remuneration from him, or
 - (ii) to gain a financial advantage from him otherwise than by way of remuneration; or
- (c) will be the result of his having accepted a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, in connection with his performance of any duty.

(2) An act which a person has an enforceable duty to do, and an omission to do an act which a person is not entitled to do, shall be disregarded for the purposes of this Chapter.

(3) In this Chapter, references to inducing somebody to accept a false instrument as genuine, or a copy of a false instrument as a copy of a genuine one, include references to inducing a machine to respond to the instrument or copy as if it were a genuine instrument or, as the case may be, a copy of a genuine one.

(4) When subsection (3) applies, the act or omission intended to be induced by the machine responding to the instrument or copy shall be treated as an act or omission to a person’s prejudice.

(5) In this section, “loss” includes not getting what one might get as well as parting with what one has.

242. Forgery

Any person who makes a false instrument, with the intention that he or another shall use it to induce somebody to accept it as genuine and by reason of so accepting it to do or not to do some act to his own or any other person’s prejudice, is guilty of an offence and liable to imprisonment for ten years.

243. Copying a false instrument

Any person who makes a copy of an instrument which is, and which he knows or believes to be, a false instrument, with the intention that he or another shall use it to induce somebody to accept it as a copy of a genuine instrument, and by reason of so accepting it to do, or not to do, some act to his own or any other person’s prejudice, is guilty of an offence and liable to imprisonment for ten years.

244. Using a false instrument

Any person who uses an instrument which is, and which he knows or believes to be, a false instrument, with the intention of inducing somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice, is guilty of an offence and liable to imprisonment for ten years.

245. Using a copy of a false instrument

Any person who uses a copy of an instrument which is, and which he knows or believes to be, a false instrument, with the intention of inducing somebody to accept it as a copy of a genuine instrument, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice, is guilty of an offence and liable to imprisonment for ten years.

246. Offences relating to money orders, share certificates, passports, etc.

(1) Any person who has in his possession, custody or under his control an instrument to which this section applies which is, and which he knows or believes to be, false, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do some act to his own or some other person's prejudice, is guilty of an offence and liable to imprisonment for ten years.

(2) Any person who has in his possession, custody or under his control, without lawful authority or excuse, an instrument to which this section applies which is, and which he knows or believes to be, false, is guilty of an offence and liable to imprisonment for two years.

(3) Any person who makes or has in his possession, custody or under his control a machine or implement, or paper or any other material, which to his knowledge is, or has been, specially designed or adapted for the making of an instrument to which this section applies, with the intention that he or another shall make an instrument to which this section applies which is false and that he or another shall use the instrument to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice, is guilty to an offence and liable to imprisonment for ten years.

(4) Any person who makes or has in his possession, custody or under his control, any such machine, implement, paper or material as is mentioned in subsection (3), without lawful authority or excuse, is guilty of an offence and liable to imprisonment for two years.

(5) The instruments to which this section applies are—

- (a) money orders;
- (b) postal orders;
- (c) Saint Vincent and the Grenadines postage stamps;
- (d) revenue stamps;
- (e) share certificates;
- (f) passports and documents which can be used instead of passports;
- (g) cheques;
- (h) travellers' cheques;
- (i) cheque cards;
- (j) credit cards;
- (k) certified copies relating to any entry in a register of births, marriages, adoptions or deaths and issued by the Registrar-General, a registrar of marriages or persons authorised to register marriages, births or deaths; and

(l) certificates relating to entries in such registers.

(6) In subsection (5), “**share certificate**” means an instrument entitling or evidencing the title of a person to a share or interest—

- (a) in any public stock, annuity, fund or debt of any government or state including a state which forms part of another state;
- (b) in any stock, fund or debt of a body (whether corporate or unincorporated) established in Saint Vincent and the Grenadines or elsewhere.

247. Forgery at common law

The offence of forgery at common law is abolished for all purposes not relating to offences committed before the coming into force of this Code.

248. “Currency note” and “protected coin”

In this Chapter—

“**currency note**” means—

- (a) any note which—
 - (i) has been issued for use in any country which is a party to the Eastern Caribbean Central Bank Agreement, 1983, (and whether it has been issued before the date of such agreement or not), and
 - (ii) is or has been customarily used as money in such a country, and
 - (iii) is payable on demand;
- (b) any note which—
 - (i) has been lawfully issued in some country other than one to which paragraph (a) relates, and
 - (ii) is customarily used as money in that country;

“**protected coin**” means any coin which—

- (a) is customarily used as money in any country;
- (b) is specified in an order made by the Minister to be a protected coin for the purpose of this Chapter.

249. “Counterfeit”

(1) For the purposes of this Chapter, a thing is a counterfeit of a currency note or of a protected coin—

- (a) if it is not a currency note of a protected coin but resembles a currency note or a protected coin (whether on one side only or on both) to such an extent that it is reasonably capable of passing for a currency note or protected coin of that description; or
- (b) if it is a currency note or protected coin which has been so altered that it is reasonably capable of passing for a currency note or protected coin of some other description.

(2) For the purposes of this Chapter—

- (a) a thing consisting of one side only of a currency note, with or without the addition of other material, is a counterfeit of such a note;
- (b) a thing consisting—
 - (i) of parts of two or more currency notes, or

- (ii) of parts of a currency note, or parts of two or more currency notes, with the addition of other material,

is capable of being a counterfeit of a currency note.

(3) References in this Chapter to passing or tendering a counterfeit of a currency note of a protected coin are not to be construed only as passing it or tendering it as legal tender.

250. Counterfeiting notes and coins

(1) Any person who makes a counterfeit of a currency note or of a protected coin, intending that he or another shall pass or tender it as genuine, is guilty of an offence and liable to imprisonment for ten years.

(2) Any person who makes a counterfeit of a currency note or of a protected coin, without lawful authority or excuse, is guilty of an offence and liable to imprisonment for two years.

251. Passing, etc., counterfeit notes and coins

(1) Any person who—

- (a) passes or tenders as genuine anything which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin; or
- (b) delivers to another any thing which is, or which he knows or believes to be, such a counterfeit, intending that the person to whom it is delivered or another shall pass or tender it as genuine,

is guilty of an offence and liable to imprisonment for ten years.

(2) Any person who delivers to another, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin, is guilty of an offence and liable to imprisonment for two years.

252. Possession, custody or control of counterfeit notes and coins

(1) Any person who has in his possession, custody or under his control any thing which is, and which he knows or believes to be, a counterfeit coin, intending either to pass or tender it as genuine or to deliver it to another with the intention that he or another shall pass or tender it as genuine, is guilty of an offence and liable to imprisonment for ten years.

(2) Any person who has in his possession, custody or under his control, without lawful authority or excuse, any thing which is, and which he knows or believes to be, a counterfeit of a currency note or of a protected coin, is guilty of an offence and liable to imprisonment for two years.

(3) It is immaterial for the purposes of subsections (1) and (2) that a note or coin is not in a fit state to be passed or tendered, or that the making or counterfeiting of a note or coin has not been finished or perfected.

253. Making, possession, custody or control of counterfeiting materials and implements

(1) Any person who makes, or has in his possession, custody or under his control, anything which he intends to use, or permit any other person to use, for the purpose of making a counterfeit of a currency note or of a protected coin with the intention that it be passed or tendered as genuine, is guilty of an offence and liable to imprisonment for ten years.

(2) Any person who, without lawful authority or excuse—

- (a) makes; or
- (b) has in his possession, custody or under his control anything which, to his knowledge, is or has been specially designed or adapted for the making of a counterfeit of a currency note or of a protected coin, is guilty of an offence and liable to imprisonment for two years.

(3) Subject to subsection (4), any person who makes, or has in his possession, custody or under his control any implement which, to his knowledge, is capable of imparting to any thing a resemblance—

- (a) to the whole or part of either side of a protected coin; or
- (b) to the whole or part of the reverse of the image on either side of a protected coin,

is guilty of an offence and liable to imprisonment for two years.

(4) It shall be a defence for the person charged with an offence under subsection (3) to show—

- (a) that he made the implement or, as the case may be, had it in his possession, custody or under his control with the written consent of the Minister; or
- (b) that he had lawful authority otherwise than by virtue of paragraph (a), or a lawful excuse, for making it or having it in his possession, custody or under his control.

254. Reproducing Eastern Caribbean currency notes

(1) Any person who, unless the relevant authority has previously consented in writing, reproduces on any substance whatsoever, and whether on the correct scale or not, any Eastern Caribbean currency note or any part of such a note, is guilty of an offence and liable to a fine of one thousand dollars.

(2) In this section—

“**Eastern Caribbean currency note**” means any note which—

- (a) has lawfully been issued for use in any country which is a party to the Eastern Caribbean Central Bank Agreement, 1983, (and whether it has been issued before the date of such agreement or not); and
- (b) is or has been customarily used as money in such a country; and
- (c) is payable on demand;

“**relevant authority**”, in relation to an Eastern Caribbean currency note, means the authority empowered by law to issue such notes, and includes any authority empowered to issue currency notes before the Eastern Caribbean Central Bank Agreement, 1983.

255. Making, etc., imitation Eastern Caribbean coins

(1) Any person who—

- (a) makes an imitation Eastern Caribbean coin in connection with a scheme intended to promote the sale of any product or in making of contracts for the supply of any service; or
- (b) sells or distributes imitation Eastern Caribbean coins in connection with any such scheme, or has imitation Eastern Caribbean coins in his possession, custody or under his control with a view to such sale or distribution,

unless the Minister has consented in writing to the sale or distribution of such coins in connection with that scheme, is guilty of an offence and liable to a fine of five hundred dollars.

(2) In this section—

“**Eastern Caribbean coin**” means any coin which is legal tender in Saint Vincent and the Grenadines;

“**imitation Eastern Caribbean coin**” means any thing which resembles an Eastern Caribbean coin in shape, size and the substance of which it is made.

256. Importation and exportation of counterfeit notes and coins

Any person who imports, lands, unloads or exports a counterfeit of a currency note or of a protected coin, is guilty of an offence and liable to imprisonment for two years.

257. Power of forfeiture, etc.

(1) If it appears to a judicial officer from information given to him on oath, that there is reasonable cause to believe that a person has in his possession, custody or under his control—

- (a) any thing which he or another has used, whether before or after the commencement of this Code, or intends to use, for the making of any false instrument or copy of a false instrument in contravention of section 242 or 243;
- (b) any false instrument or copy of a false instrument which he or another has used, whether before or after the commencement of this Code, or intends to use, in contravention of section 244 or 245;
- (c) any thing the possession, custody or control of which, without lawful authority or excuse, is an offence under section 246;
- (d) any thing which is a counterfeit of a currency note or of a protected coin, or which is a reproduction made in contravention of section 254 or 255;
- (e) any thing which he or another has used, whether before or after the commencement of this Code, or intends to use, for the making of any such counterfeit, or the making of any reproduction in contravention of section 254 or 255,

the judicial officer may issue a warrant authorising a police officer to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.

(2) A police officer may at any time after the seizure of any object suspected of falling within any paragraph of subsection (1) and whether the seizure was effected by virtue of a warrant under that subsection or otherwise, apply to a magistrate’s court for an order under this subsection with regard to the object: and the court, if satisfied both that the object falls within one of those paragraphs and that it is conducive to the public interest to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.

(3) Subject to subsection (4), the court by or before which a person is convicted of an offence under this Chapter may order any thing shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(4) The court shall not order any thing to be forfeited under subsection (2) or (3) when a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show why the order should not be made.

(5) For the avoidance of doubt, the powers conferred by the Criminal Procedure Code, in relation to the issue and execution of search warrants shall apply to search warrants issued under this section.

258. Defacing and uttering defaced coins

(1) Any person who defaces any protected coin by stamping thereon any names or words, whether or not the coin is thereby diminished or lightened, is guilty of an offence and liable to imprisonment for one year.

(2) A tender of payment in money made in any coin which has been so defaced is not legal tender.

(3) Any person who tenders, utters or puts off any protected coin which has been so defaced is guilty of an offence and liable to a fine of one hundred dollars.

259. Melting down protected coins

Any person who melts down, breaks up or uses, otherwise than as currency, any protected coin, is guilty of an offence and liable to imprisonment for one year.

260. Mutilating or defacing currency notes

Any person who, without lawful authority or excuse, mutilates, perforates or in any way defaces any currency note which is for the time being legal tender in Saint Vincent and the Grenadines, whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto any thing in the nature of an advertisement, is guilty of an offence and liable to a fine of one hundred dollars.

CHAPTER XV

Personation

261. Personation in general

(1) Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead and whether fictitious or not, is guilty of an offence and liable to imprisonment for one year.

(2) If the representation under subsection (1) is that the person making the representation is a person entitled, by will or operation of law, to any specified property and is made in order to obtain such property or possession thereof, such person is liable to imprisonment for seven years.

262. Falsely acknowledging deeds, etc.

Any person who, without lawful authority or excuse, the proof of which lies on him, makes in the name of any other person, before any court or person authorised by law to take any such acknowledgement, an acknowledgement of liability of any kind, or an acknowledgement of any deed or other instrument, is guilty of an offence and liable to imprisonment for seven years.

263. Personation of person named in certificate, etc.

Any person who utters any document which has been issued by any lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself to be the person named in the document, is guilty of an offence and liable to imprisonment for five years.

264. Lending certificate for personation

Any person, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, who sells, gives or lends the document to another person with intent that that other person may represent himself to be the person named therein, is guilty of an offence and liable to imprisonment for seven years.

265. Personation of person named in testimonial

Any person who, for the purpose of obtaining employment for himself or for another, utters any document of a testimonial character given to another person, falsely pretending that he, or that other, is the person named in the document, is guilty of an offence and liable to imprisonment for one year.

266. Lending testimonial for personation

Any person who, being a person to whom any document of a testimonial character has been given, gives, sells or lends such document to another person with the intent that that other person may utter such document for the purpose of obtaining employment for himself or for another, is guilty of an offence and liable to imprisonment for one year.

CHAPTER XVI

Criminal Damage and Similar Offences

267. Destroying or damaging property

(1) Any person who, without lawful excuse, destroys or damages any property belonging to another intending to destroy or damage any such property, or being reckless as to whether any such property would be destroyed or damaged, is guilty of an offence.

(2) Any person who, without lawful excuse, destroys or damages any property, whether belonging to himself or another—

- (a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and
- (b) intending by the destruction or damage to endanger the life of another, or being reckless as to whether the life of another would thereby be endangered,

is guilty of an offence.

(3) An offence committed under this section by destroying or damaging property by fire shall be charged as arson.

(4) Any person convicted of arson under subsection (1), or of any offence under subsection (2), is liable to imprisonment for life; and a person convicted of any other offence under this section is liable—

- (a) on summary conviction, to imprisonment for two years; and
- (b) on conviction on indictment, to imprisonment for ten years.

268. Threat to destroy or damage property

Any person who, without lawful excuse, makes to another a threat, intending that that other would fear that it would be carried out—

- (a) to destroy or damage any property belonging to that other or a third person;
or

- (b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or a third person,

is guilty of an offence and liable to imprisonment for ten years.

269. Possession with intent to destroy or damage property

Any person who has anything in his possession, custody or under his control intending, without lawful excuse, to use it or to cause or permit another to use it—

- (a) to destroy or damage any property belonging to some other person; or
- (b) to destroy or damage any property, whether belonging to himself or another, in a way which he knows is likely to endanger the life of some other person,

is guilty of an offence and liable to imprisonment for ten years.

270. “Without lawful excuse”

(1) This section applies to any offence under section 267(1) and any offence under section 268 or 269 other than one involving a threat by the person charged to destroy or damage property in a way which he knows is likely to endanger the life of another, or involving an intent by the person charged to use or permit the use of something in his possession, custody or under his control so as to destroy or damage property.

(2) Any person charged with an offence to which this section applies shall, whether or not he would be treated for the purposes of this Chapter as having a lawful excuse apart from this subsection, be treated for those purposes as having a lawful excuse—

- (a) if, at the time of the act or acts alleged to constitute the offence, he believed that the person whom he believed to be entitled to consent to the destruction of or damage to the property in question had so consented, or would have so consented to it if he had known of the destruction or damage and its circumstances; or
- (b) if he destroyed or damaged or threatened to destroy or damage the property in question or, in the case of a charge of an offence under section 269, intended to use or cause or permit the use of something to destroy or damage it, in order to protect property belonging to himself or another, or a right or interest in property which was, or which he believed to be, vested in himself or another, and at the time of the acts alleged to constitute the offence he believed—
 - (i) that the property, right or interest was in immediate need of protection, and
 - (ii) that the means of protection adopted, or proposed to be adopted, were or would be reasonable having regard to all the circumstances.

(3) For the purposes of this section it is immaterial whether a belief is justified or not if it is honestly held.

(4) For the purposes of subsection (2) a right or interest in property includes any right or privilege in or over land, whether created by grant, licence or otherwise.

(5) This section shall not be construed as casting doubt on any defence recognised by law as a defence to a criminal charge.

271. “Property”

(1) For the purpose of this Chapter—

- (a) “**property**” means property of a tangible nature, whether real or personal, including, money, growing crops, trees and other vegetable products and

wild creatures which have been tamed or are ordinarily kept in captivity, and any other wild creatures or their carcasses if, but only if, they have been reduced into possession which has not been lost or abandoned or are in the course of being reduced into possession;

- (b) property shall be treated as belonging to any person—
 - (i) having possession or custody of it,
 - (ii) having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest), or
 - (iii) having a charge on it:

Provided that a tenant, under whatsoever form of tenure, may be convicted of an offence under this Chapter in respect of the property of his landlord notwithstanding that at the time of the offence the tenant had the custody of the property;
- (c) placing in, or allowing any noxious substance to enter any pond, river, well or watercourse shall be deemed to cause damage to the property of the owner or of any other person who has a right to use that pond, river, well or watercourse for any purpose.

(2) Where property is subject to a trust, the person to whom it belongs shall be deemed to include any person having a right to enforce the trust.

(3) Property of a corporation sole shall be so treated as belonging to the corporation notwithstanding a vacancy in the corporation.

(4) Proceedings shall not be instituted against a person for any offence of doing unlawful damage to property which at the time of the offence belongs to that person's wife or husband, or for any attempt, incitement or conspiracy to commit such offence, unless the proceedings are instituted by, or with the consent of, the Director of Public Prosecutions:

Provided that—

- (a) this subsection shall not apply to proceedings against a person for an offence—
 - (i) if that person is charged with committing the offence jointly with the wife or husband, or
 - (ii) if by virtue of any judicial decree or order (wherever made) that person and the wife or husband are, at the time of the offence, under no obligation to cohabit; and
- (b) this subsection shall not prevent the arrest, nor the issue of a warrant for the arrest, of a person for an offence, nor the remand in custody or on bail or a person charged with an offence, where the arrest (if without a warrant) is made, or the warrant of arrest issues, on an information laid by a person other than the wife or husband.

272. Powers of search

(1) Without prejudice to the power to issue a search warrant under section 41 of the Criminal Procedure Code, if it is made to appear by information on oath before a judicial officer that there is reasonable cause to believe that any person has in his possession, custody or under his control, or on his premises, anything which there is reasonable cause to believe is intended for use without lawful excuse—

- (a) to destroy or damage property belonging to another; or

- (b) to destroy or damage any property in a way likely to endanger the life of another,

such judicial officer may grant a warrant to any police officer to search for and seize that thing.

(2) A police officer who is authorised to search any premises under a warrant issued under this section may enter, if necessary by force, and search the premises accordingly and may seize anything which he believes to be intended to be used as aforesaid.

273. Casting away ships, etc.

Any person who—

- (a) wilfully and unlawfully casts away or destroys any aircraft, vehicle or vessel, whether or not the same is in a complete state; or
- (b) wilfully or unlawfully does any act which tends to the immediate loss or destruction of any aircraft, vehicle or vessel, whether or not the same is in a complete state,

is guilty of an offence and liable to imprisonment for life.

CHAPTER XVII

Criminal Libel

274. Libel

(1) Subject to the other provisions of this Chapter, any person who, by printing, writing, painting, effigy or by any other means in a permanent form and otherwise than solely by gestures, spoken words or sounds, unlawfully publishes any defamatory matter concerning another person with intent to defame that other person, is guilty of an offence and liable to imprisonment for two years.

(2) Notwithstanding the provisions of subsection (1), for the purposes of this Chapter the broadcasting of words by wireless telegraphy or television shall be treated as publication in a permanent form.

(3) A prosecution for an offence under this section shall not be instituted except by, or with the written consent of, the Director of Public Prosecutions.

275. Defamatory matter

(1) Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, ridicule or contempt or likely to damage him in his profession or trade by an injury to his reputation, or to disturb the peace of the community.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it is sufficient if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly from one and partly from the other.

276. Publication of criminal libel

A person publishes a libel if he causes the medium by which the defamatory matter is conveyed to be so dealt with or used, that the defamatory meaning thereof becomes known, or is likely to become known, either to the person defamed or to any other person.

277. Unlawful publication

Any publication of defamatory matter concerning a person is unlawful within the meaning of this Chapter unless—

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it was privileged on one of the grounds hereafter in this Chapter mentioned.

278. Absolute privilege

(1) The publication of defamatory matter is absolutely privileged, and no person shall be liable to punishment in respect thereof in any of the following cases—

- (a) if the matter is published by the Governor-General or by the House of Assembly in any official document or proceeding;
- (b) if the matter is published in the House of Assembly by any member of the House of Assembly;
- (c) if the matter is published by order of the Governor-General;
- (d) if the matter is published concerning a person subject for the time being to military or police discipline, and relates to his conduct as a person subject to such discipline and is published by some person having authority over him in respect of such conduct and to some person also having authority over him in respect of such conduct;
- (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge, magistrate, justice of the peace, commissioner, legal practitioner, juror, assessor, arbitrator, referee, witness or any party thereto;
- (f) if the matter published is a fair report of anything said, done or published in the House of Assembly; or
- (g) if the person publishing the matter does so in pursuance of any duty imposed by law.

(2) For the purposes of this section references to the House of Assembly shall be deemed to include any committee of such House.

(3) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter is true or false, and whether it be or be not known or believed to be false, and whether or not it be published in good faith.

279. Conditional privilege

(1) It shall be a defence to a charge under this Chapter if the publication was conditionally privileged.

(2) The publication of defamatory matter is conditionally privileged if it was published in good faith, if the relationship between the parties by and to whom the publication was made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made, or has a legitimate personal interest in so publishing it, and provided that the publication does not exceed, either in extent or matter, what is reasonably sufficient for the occasion, in any of the following cases—

- (a) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said, done or shown before it, on the grounds that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged;

- (b) if the matter published is a copy or reproduction, or a fair abstract or summary, of any matter which has been previously published and the previous publication of which was, or would have been, privileged under section 278;
- (c) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears from such conduct;
- (d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal conduct so far appears from such conduct;
- (e) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a legal proceeding held in public, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any such person so far as it appears in any such conduct;
- (f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act publicly done or made or submitted by a person to the judgement of the public, or as to the character of the person so far as it appears therein;
- (g) if the matter is a censure passed by a person in good faith on the conduct of a person in any matter in respect of which he has authority, by contract or otherwise, over the person, or on the character of the other person so far as it appears from such conduct;
- (h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears from such conduct, to any person having authority, by contract or otherwise, over that person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (i) if the matter is published in good faith for the protection of the rights or interest of the person who publishes it, or of the person to whom it is published or of some person in whom the person to whom it is published is interested.

280. Explanation as to good faith

A publication by any person of defamatory matter shall not be deemed to have been made in good faith, within the meaning of section 279, if it is made to appear—

- (a) that the matter was untrue and he did not believe it to be true;
- (b) that the matter was untrue and that he published it without taking reasonable care to ascertain whether it was true or false; or
- (c) that in publishing it he acted with intent to injure the person defamed in a substantially greater degree, or substantially otherwise than was reasonably necessary, for the interest of the public or the protection of the private right or interest in respect of which he claimed to be privileged.

281. Presumption as to good faith

If it is proved, on behalf of an accused, that any defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself or from the evidence given on behalf of the accused or from evidence on behalf of the prosecution.

CHAPER XVIII

Nuisance and Other Offences against the Public in General

282. Common nuisance

Any person who does an act not authorised by law, or who omits to discharge a legal duty, and thereby causes a common injury or danger or annoyance, or who obstructs or causes inconvenience to the public in the exercise of common rights, is guilty of an offence and liable to imprisonment for six months.

283. Chain letters

(1) Any person who sends, or causes to be sent, any chain letter, or who sends or receives any money or money's worth in connection with a chain letter, is guilty of an offence and liable to imprisonment for six months.

(2) For the purpose of this section, "**chain letter**" means a document addressed by one person to another suggesting to the person to whom it is addressed, or requiring—

- (a) that he should send a document having the same purport to one or more other persons; and
- (b) that he should remit to a person, or to an address specified in the first mentioned document, money or money's worth.

284. Obscene publications

(1) Any person who—

- (a) for the purpose of, or by way of, trade, or for the purpose of distribution or public exhibition, makes, produces or has in his possession any obscene writing, drawing, print, painting, printed matter, pictures, posters, emblems, photographs, films, discs or any other obscene objects tending to corrupt morals;
- (b) for any of the above purposes imports, conveys or exports, or causes to be imported, conveyed or exported, any such matter or thing, or in any manner whatsoever puts any of the same into circulation;
- (c) carries on or takes part in any business, whether public or private, concerned with any such matters or things, or deals in the same in manner whatsoever, or distributes them publicly or makes a business of lending them;
- (d) advertises or makes known by any means whatsoever, with a view to assisting circulation of or traffic in, any such matter or thing, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matter or thing can be produced either directly or indirectly; or
- (e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt public morals,

is guilty of an offence and liable to imprisonment for nine months.

(2) On the application of the Commissioner of Police, the court may order the destruction of any obscene matter or thing to which this section relates and which has been seized by, or otherwise come into the possession of, the police whether or not any person has been convicted under the provisions of this section in respect of such obscene matter or thing.

285. Idle and disorderly persons

Any person who—

- (a) wanders abroad or places himself in any public place for the purpose of begging, or who causes any child to do so;
- (b) pretends to deal in obeah (as defined in section 290) or witchcraft, or tells fortunes by palmistry or like superstitious means, intending to deceive or impose on people;
- (c) in any public place conducts himself in a manner likely to cause a breach of the peace;
- (d) solicits for any immoral purpose in any public place;
- (e) in any public place plays any game, or pretended game, of chance for money or money's worth;
- (f) endeavours to obtain or actually obtains, contributions for any purpose unless authorised to do so by the Commissioner of Police, or any police officer acting on his behalf, in pursuance of instructions lawfully given; or
- (g) who has no fixed place of abode and sleeps by night in open or public places,

is guilty of an offence and liable to imprisonment for three months.

286. Rogues and vagabonds

(1) Any person who—

- (a) has in his possession or custody, without lawful excuse (the proof of which shall lie on him) any picklock, key, jemmy, crow-jack, bit or other instrument of house-breaking;
- (b) is found by night, without lawful excuse (the proof of which shall lie on him), in or upon any dwelling-house, warehouse, garage, stable or other building, or in any enclosed garden, yard or area, or on any vessel or aircraft or in any vehicle;
- (c) having previously been convicted of an offence under Chapter XIII (or any similar offence involving dishonesty or larceny under any law in force before the date of commencement of this Code), frequents any wharf, warehouse or place adjacent thereto, or any public place adjacent or leading thereto, with intent to commit an offence; or
- (d) upon being apprehended as an idle and disorderly person, violently resists any police officer arresting him,

shall be deemed to be a rogue and vagabond and liable—

- (i) for a first offence under this section to imprisonment for one year, and
- (ii) for every subsequent offence under this section, or for an offence under this section after having been previously convicted as a rogue and vagabond under any law in force immediately before the commencement of this Code, to imprisonment for two years,

and every weapon or instrument for house-breaking in the possession of the offender at the time of the offence shall, upon his conviction, be forfeited to the Crown.

(2) In proceedings under this section, it shall not be necessary, in proving the intent to commit an offence, to show that the person was guilty of any act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case and his known character as proved to the court, it appears to the court that his intent was as alleged, and his known character, as proved, shall be relevant evidence in that behalf.

287. Disorderly conduct

(1) Any person who, in any public place, conducts himself in a disorderly manner or in such a noisy manner as to disturb the neighbourhood, is guilty of an offence and liable to imprisonment for three months.

(2) If any person, on any private premises, conducts himself or allows any other person to so conduct himself thereon, as to repeatedly annoy or disturb the neighbourhood, any person annoyed or disturbed thereby may complain to a magistrate who, if satisfied, by evidence on oath that there are good grounds for such complaint, may cause the person so offending to be warned, and if after such warning, such person, within three months, so conducts himself, or allows any other person so to conduct himself, on the same premises, as to annoy or disturb the neighbourhood, he is guilty of an offence and liable to imprisonment for six months.

(3) Any person who wilfully disturbs, interrupts or disquiets any body of person, assembled for any lawful purpose, by profane discourse, rude or indecent behaviour, or by making a noise either within the place of assembly or so near thereto so as to disturb the same, is guilty of an offence and liable to imprisonment for nine months.

(4) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, or who incites any other person so to act, is guilty of an offence and liable to imprisonment for six months.

288. Drunkenness

(1) Any person found drunk in any public place or upon any premises licensed for the sale of alcohol, is guilty of an offence and liable—

- (a) upon a first conviction for such an offence, to a fine of fifty dollars;
- (b) upon a second or subsequent conviction for such an offence, to a fine of one hundred dollars;
- (c) upon any subsequent conviction within a period of twelve months from the date of a second or subsequent conviction, to imprisonment for three months.

(2) Any person who is found drunk in any public place when—

- (a) in charge of any vehicle or animal; or
- (b) in possession of a firearm,

is guilty of an offence and liable to imprisonment for one year.

289. Abusive language, etc.

Any person who uses any abusive, blasphemous, indecent, insulting, profane or threatening language—

- (a) in any public place;
- (b) in any place to the annoyance of the public; or
- (c) in any circumstances likely to cause a breach of the peace,

is guilty of an offence and liable to imprisonment for three months.

290. Obeah

(1) For the purpose of this section and section 285, a person practising or dealing in obeah means a person who, to effect any fraudulent or unlawful purpose or for gain, or for the purpose of frightening any person, uses or pretends to use any occult means, or

pretends to possess any supernatural power or knowledge, and “**instrument of obeah**” means anything commonly used in or associated with the practice of obeah.

(2) Any person who—

- (a) practices or deals in obeah;
- (b) for any fraudulent or unlawful purpose, consults any person practising, or reputed to be practising, obeah, or who has been convicted of any offence under any law relating to obeah; or
- (c) for the purpose of effecting any purpose or bringing about any event by the use of occult means, consults any person practising or reputed to be practising obeah, or any person who has been convicted of any offence under any law relating to obeah and agrees to reward the person so consulted,

is guilty of an offence and liable to imprisonment for one year.

(3) Any person who has in his possession any instrument of obeah, or who has under his control any premises upon which any such instrument is found, shall be deemed to be practising obeah at the date when such instrument is found.

(4) Any person who composes, prints, sells or distributes any pamphlet or other printed or written matter calculated to promote the superstition of obeah, is guilty of an offence and liable to imprisonment for one year.

291. Negligent acts likely to spread disease

Any person who unlawfully or negligently does any act which he knows, or has reason to believe, to be likely to cause the spread of any infectious or contagious disease, is guilty of an offence and liable to imprisonment for one year.

292. Pollution, etc.

Any person who—

- (a) intentionally or negligently corrupts or fouls the water of any spring, stream, well or reservoir so as to render it less fit for the use of mankind or livestock;
- (b) intentionally or negligently vitiates the atmosphere in any place so as to render it noxious to the health or comfort of persons in the neighbourhood;
- (c) for any purpose makes loud noise or offensive smells in such place and circumstances as to interfere with the comfort of persons in the exercise of their common rights; or
- (d) deposits offal or refuse in the sea within five hundred yards of the shore,

is guilty of an offence and liable to imprisonment for six months.

293. Adulteration of food, etc.

Any person who—

- (a) adulterates any article of food or drink so as to make such article noxious as food or drink, intending to sell or offer the same for sale as food or drink, or knowing that it will be offered for sale as such;
- (b) sells or offers for sale as food or drink any article which has been rendered, or has become, noxious or is in a state unfit for use as food or drink, knowing or having reason to believe that the same is unfit for such use;
- (c) adulterates any drug or medicinal preparation in such a manner as to lessen the efficiency or change the operation of such drug or preparation, or to make it noxious, intending that it shall be, or is likely to be, sold or offered

for sale for medicinal purposes as if it had not been so adulterated or rendered noxious; or

- (d) knowing that any drug or medicinal preparation has been adulterated or rendered noxious, as mentioned in paragraph (c), sells the same or offers for sale or issues it from any dispensary for medicinal purposes as if it had not been so adulterated or rendered noxious, or causes it to be so issued by any person,

is guilty of an offence and liable to imprisonment for six months.

294. Unauthorised wearing of uniform

Any person who, without lawful authority or excuse, wears any uniform of the armed or police forces of any Commonwealth country, or of any dependency of such a country, or any clothing having the appearance, or intended to have the appearance, of such uniform, is guilty of an offence and liable to imprisonment for six months:

Provided that it shall not be an offence under this section for a person taking part in a *bona fide* theatrical or similar entertainment to wear a costume resembling such a uniform when required for the purpose of representing a particular character, but in such a case the badges shall not be identical with those of any armed or police force.

295. Negligence with fire

(1) Any person who in any place, negligently or recklessly, carries or uses any fire, is guilty of an offence and liable to imprisonment for three months.

(2) Any person who by the careless use of fire within any town or village, endangers any lives or property thereby, is guilty of an offence and liable to imprisonment for one year.

296. Throwing missile, etc., in public places

Any person who, on or in the vicinity of any public place, throws or discharges any missile or dangerous object to the damage or danger of any person or property, is guilty of an offence and liable to imprisonment for three months.

297. Defacing building

Any person who, without the consent of the owner or occupier—

- (a) posts any advertisement, bill, placard or other paper against or upon; or
(b) writes upon, soils, marks or defaces,

any building, wall, fence, lamp post or other similar object, is guilty of an offence and liable to imprisonment for three months.

298. Removing boats

Any person who takes any vessel from or out of any mooring, wharf, boat-house, berth, beach, landing-stage or other place, for the purpose of using the same without the consent of the owner or other person having charge thereof and without any reasonable claim of right or title thereto, is guilty of an offence and liable to imprisonment for one year.

299. Animals in public place

Any person in charge of any animals (other than cats or dogs) in any place who remains at such a distance from them as not to have proper control over them, is guilty of an offence and liable to a fine of two hundred and fifty dollars.

300. Firearms and fireworks in public place

(1) Subject to the provisions of subsection (2), any person who, in any public place, or within one hundred yards thereof, discharges any firearm or lets off any firework, is guilty of an offence and liable to imprisonment for three months.

(2) A person shall not commit an offence under subsection (1) by reason only that he fires a starting pistol or similar weapon in the ordinary course of the conduct of a sporting or athletic event, or that he lets off a firework in the ordinary course of some festival or celebration at which the use of fireworks has been approved in writing by the Commissioner of Police or a police officer acting on his behalf.

301. Neglect to maintain family

(1) Any person who, being wholly or in part able to maintain his or her children whether born within or out of wedlock, and, if a male, his wife, by work or other lawful means, refuses or neglects to do so, is guilty of an offence and liable to imprisonment for three months.

(2) Proceedings for an offence under subsection (1) shall be without prejudice to any other legal remedy available to any person to enforce the payment of maintenance for, or to recover the cost of any necessaries supplied to, the wife and family of the offender.

302. Unlawful depasturing of animals

Any person who unlawfully depastures any animal on any land, public place or thoroughfare, is guilty of an offence and liable to imprisonment for three months.

303. Obstructing police officer

Any person who wilfully obstructs any police officer in the course of his duty, is guilty of an offence and liable to imprisonment for six months.

304. Refusing to assist police officer

(1) Any person who, when lawfully called upon by a police officer to assist such officer in apprehending or securing any person whom that officer is endeavouring to apprehend or secure, without reasonable excuse refuses to do so, is guilty of an offence and liable to imprisonment for three months.

(2) Any person who, when lawfully required to do so by a judicial officer or a police officer, refuses to give his name and address, or gives a false name or address, is guilty of an offence and liable to imprisonment for three months.

305. Using explosive or poison to kill fish

Any person who uses any explosive or poison to catch or destroy fish in any part of Saint Vincent and the Grenadines is guilty of an offence and liable to imprisonment for three months.

306. Using animal without consent of the owner

(1) Any person who takes or drives any animal from any place whatsoever, whether enclosed or not, for the purpose of using such animal, without the consent of the owner or

other person having charge of such animal, is guilty of an offence and liable to imprisonment for three months.

(2) Proceedings in respect of an offence under subsection (1) shall be without prejudice to any other legal remedy available to the party aggrieved for the recovery of any such animal and for damage in respect of the taking or using thereof or for any injury caused to the animal.

307. Indecency, etc., in a public place

(1) Any person who behaves in an indecent manner in a public place is guilty of an offence and liable to imprisonment for three months.

(2) Any person who writes or draws any indecent word, figure or representation in any public place, is guilty of an offence and liable to imprisonment for three months.

(3) Any person who, in any public place, wilfully—

- (a) exposes any obscene print, picture, photograph or indecent exhibition;
- (b) exposes his person; or
- (c) is not sufficiently or decently clothed,

is guilty of an offence and liable to imprisonment for three months.

(4) For the purposes of this section, “**public place**” includes a place visible from a public place.

308. Having possession of thing reasonably suspected of being stolen

Any person who is charged with having in his possession in any place, or conveying in any manner, anything which is reasonably suspected of being stolen or unlawfully obtained and who does not give an account to the satisfaction of the court as to how he came by the same, is guilty of an offence and liable to imprisonment for six months.

309. Preventing work or trading

Any person who, unlawfully and with force, hinders or prevents any person from working at or exercising his lawful trade, business or occupation, or who uses any threat of violence to any such person with intent to hinder him from working at or exercising such trade or business or occupation, is guilty of an offence and liable to imprisonment for three months.

CHAPTER XIX

Conspiracy, Attempt and Assisting Offenders

310. Conspiracy to commit an offence

(1) Subject to the following provisions of this Chapter, any person who agrees with any other person or persons that a course of conduct shall be pursued which, if the agreement is carried out in accordance with their intentions, either—

- (a) will necessarily amount to or involve the commission of any offence or offences by one or more of the parties to the agreement; or
- (b) would do so but for the existence of facts which render the commission of the offences or any of the offences impossible,

is guilty of conspiracy to commit the offence or offences in question.

(2) Where liability for an offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstances necessary for the commission of the offence, a person nevertheless shall not be guilty of conspiracy to commit that offence by virtue of subsection (1) unless he and at least one other party to the agreement intend, or know, that the fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.

(3) Where in pursuance of any agreement the acts in question in relation to any offence are to be done in contemplation of furtherance of a trade dispute, that offence shall be disregarded for the purposes of subsection (1):

Provided that it is an offence which is not punishable with imprisonment except in default of payment of a fine.

(4) In this Chapter, “**offence**” means an offence triable in Saint Vincent and the Grenadines, except that it includes murder notwithstanding that the murder in question would not be so triable if committed in accordance with the intention of the parties; and “**trade dispute**” means any dispute or differences between employers and workmen, or between workmen and workmen, connected with the employment or nonemployment or the terms of employment or with the conditions of labour of any person.

311. Punishment for conspiracy

(1) A person guilty by virtue of section 310 of conspiracy to commit any offence or offences is liable—

- (a) in any case falling within subsection (2) or (3) of this section to imprisonment for a term related in accordance with that subsection to gravity of the offence or offences in question (referred to below in this section as the relevant offence or offences); and
- (b) in any other case to a fine.

Nothing in paragraph (b) shall be taken as prejudicing the application of section 25(2) in a case falling within subsection (2) or (3).

(2) Where the relevant offence, or any part of the relevant offences, is an offence of the following description, that is to say—

- (a) murder, or any other offence the punishment for which is fixed by law; or
- (b) an offence punishable by imprisonment for life,

the person convicted is liable to imprisonment for life.

(3) Where, in a case other than one to which subsection (2) applies, the relevant offence or any of the relevant offences is punishable with imprisonment, the person convicted is liable to imprisonment for a term not exceeding the maximum term provided for that offence or, where more than one offence is in question, for any one of those offences (taking the longer or the longest term as the limit for the purposes of this section where the terms provided differ).

312. Other conspiracies

Any person who conspires with any other person or persons to engage in conduct which tends to corrupt public morals or outrage public decency but would not amount to, or involve, the commission of an offence if carried out by a single person otherwise than in pursuance of an agreement, is guilty of an offence and liable to imprisonment for six months.

313. Exemptions

(1) A person shall not by virtue of section 310 be guilty of conspiracy to commit any offence if he is the sole intended victim of the offence.

(2) A person shall not by virtue of section 310 be guilty of conspiracy to commit any offence if the only other person or persons with whom he agrees are (both initially and at all times during the currency of the agreement) persons of any one or more of the following descriptions—

- (a) his spouse;
- (b) a person under the age of eight years; or
- (c) the sole intended victim of that offence or each of those offences.

314. Supplementary provision regarding conspiracy

(1) The rules laid down by sections 310 and 313 shall apply for determining whether a person is guilty of an offence of conspiracy under any written law other than section 312.

(2) Incitement and attempt to commit the offence of conspiracy (whether the conspiracy incited or attempted would be an offence at common law or under section 310 or any other written law) shall cease to be offences.

(3) The fact that the person or persons who, so far as appears from the charge on which any person has been convicted of conspiracy, were the only other parties to the agreement on which his conviction was based, have been acquitted of conspiracy by reference to that agreement (whether after being tried with the person convicted or separately) shall not be a ground for quashing his conviction unless, in all the circumstances of the case, his conviction is inconsistent with the acquittal of the other person or persons in question.

(4) Any rule of law or practice inconsistent with the provisions of subsection (3) is abolished.

315. Attempting to commit an offence

(1) Any person who, with intent to commit an offence, does an act which is more than merely preparatory to the commission of the offence, is guilty of attempting to commit the offence.

(2) A person may be guilty of attempting to commit an offence even though the facts are such that the commission of the offence is impossible.

(3) In any case where—

- (a) apart from this subsection, a person's intention would not be regarded as having amounted to an intent to commit an offence; but
- (b) if the facts of the case had been as he believed them to be, his intention would be so regarded,

then, for the purposes of subsection (1), he shall be regarded as having an intent to commit that offence.

(4) This section applies to any offence, whether under this Code or any other written law, which, if completed, would be triable in Saint Vincent and the Grenadines other than—

- (a) conspiracy;
- (b) aiding, abetting, counselling, procuring or suborning the commission of an offence.

316. Application of procedural and other provisions to offences under section 315

(1) Any provision to which this section applies shall have effect with respect to an offence under section 315 of attempting to commit an offence as it has effect with respect to the offence attempted.

(2) This section applies to provisions of any of the following descriptions made by or under any law, including this Code, and whenever passed—

- (a) provisions whereby proceedings may not be instituted or carried on otherwise than by, or on behalf of or with the consent of, any person (including any provisions which also make other exceptions to the prohibition);
- (b) provisions conferring power to institute proceedings;
- (c) provisions as to the venue of proceedings;
- (d) provisions whereby proceedings may not be instituted after the expiration of a certain period of time;
- (e) provisions conferring a power of arrest or search;
- (f) provisions conferring a power of seizure and detention of property;
- (g) provisions whereby a person may not be convicted on the uncorroborated evidence of one witness (including any provision requiring the evidence of not less than two witnesses);
- (h) provisions conferring a power of forfeiture, including any power to deal with anything liable to be forfeited;
- (i) provisions whereby, if an offence committed by a body corporate is proved to have been committed with the consent or connivance of another person, that person is also guilty of the offence.

317. Trial and penalties

(1) A person guilty by virtue of section 315 of attempting to commit an offence shall—

- (a) if the offence attempted is murder or any other offence the sentence for which is fixed by law, be liable on conviction on indictment to imprisonment for life;
- (b) if the offence is tried on indictment but does not fall within paragraph (a), be liable to any penalty to which he would have been liable on conviction on indictment of that offence;
- (c) if the offence is tried summarily, whether under the Criminal Procedure Code or otherwise, be liable to any penalty to which he would have been liable on summary conviction for that offence.

(2) When, in proceedings against a person for an offence section 315, there is evidence sufficient in law to support a finding that he did an act falling within subsection (1) of that section, the question whether or not his act fell within that subsection is a question of fact.

(3) When a person is charged with attempting to commit an offence, the charge shall be laid under section 315.

(4) Nothing in this section, or section 315 or 316, shall affect the provisions of section 112 of the Criminal Procedure Code.

318. Assisting offenders

(1) Subject to the provisions of subsection (2), where a person has committed an offence punishable with death or imprisonment (other than with imprisonment in default

of payment of a fine), any other person who, knowing him to be guilty of that offence or of some other offence similarly punishable, does, without lawful authority or reasonable excuse, an act to impede his apprehension or prosecution is guilty of an offence and is said to be an accessory after the fact.

(2) A wife does not become an accessory after the fact to an offence which her husband has committed by receiving him or assisting him to escape punishment, or by receiving in her husband's presence and by his authority another person who has committed an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment or avoid apprehension, nor does a husband become an accessory after the fact to an offence which his wife has committed by receiving her or assisting her to enable her to escape punishment or avoid apprehension.

(3) If, on the trial of an indictment for any offence as is specified in subsection (1), the court is satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but finds the accused not guilty of it, it may find him guilty of being an accessory after the fact to the offence charged or that other offence.

(4) Any person who is guilty of being an accessory after the fact is liable to imprisonment according to the gravity of the offence to which he was accessory as follows—

- (a) if the offence is one for which the sentence is fixed by law, to imprisonment for ten years;
- (b) if the offence is punishable by imprisonment for ten years or more, to imprisonment for seven years;
- (c) if the offence is not included in paragraph (a) or (b) but is punishable with seven years imprisonment, to imprisonment for five years; and
- (d) in any other case to imprisonment for two years or the period with which the offence is punishable, whichever is the less.

CHAPTER XX

Supplementary

319. Arrest, etc., where consent of Director of Public Prosecutions is necessary

Where in this Code, or in any other written law, it is provided that no prosecution shall be commenced, instituted or take place except by or with the consent of the Director of Public Prosecutions or any other person or authority, such provision shall not be deemed to prevent the arrest, or the issue of a warrant for the arrest of, a person for such an offence or the remand in custody or on bail of a person charged with such an offence, pending the decision of the Director of Public Prosecutions or such other person or authority on such matter.

320. Alternative convictions

Without prejudice to the provisions of section 112 of the Criminal Procedure Code, or to any other provision of this Code or any other law, where a person is charged with an offence set out in the first column of the First Schedule if the court finds that he is not guilty of the offence charged but that, on the evidence before it, he is guilty of an offence under another section of this Code which is set out in the second column of the Schedule, he may be convicted of that offence although he was not charged with it.

321. Restriction on proceedings for offences under common law

Where any act or omission constitutes an offence under this Code and also under common law, proceedings in respect of that offence shall be brought under the relevant provisions of this Code and not under common law and the common law offence in any such case shall, in respect of its application in Saint Vincent and the Grenadines, be deemed to have been abolished.

322. Abolition of distinction between felonies and misdemeanours

(1) All distinctions between felonies and misdemeanours are hereby abolished.

(2) Subject to the provisions of this Code and of the Criminal Procedure Code on all matters on which a distinction has previously been made between felony and misdemeanour, the law and practice in relation thereto shall be the same as the law and practice applicable to misdemeanours immediately before the date of commencement of this Code.

323. Transitional

(1) The provisions of this Code, save as otherwise provided, shall have effect only in relation to offences wholly or partly committed on or after the coming into operation of this Code.

(2) Sections 233 and 238 of this Code shall apply in relation to proceedings for an offence committed before the commencement of this Code as they would apply in relation to proceedings for a corresponding offence under this Code, and shall so apply in place of any corresponding law repealed by this Code.

(3) Subject to subsection (2) no repeal or amendment by this Code of any law creating offences or relating to procedure or evidence or to the jurisdiction or powers of any court or to the effect of a conviction shall affect the operation of the law in relation to offences committed before the commencement of this Code or to proceedings for any such offence.

(4) Where it is not certain whether an offence was committed before or after the commencement of this Code, it shall be charged under this Code; and if it shall subsequently appear that the offence was committed before the commencement of this Code such fact shall not prevent or invalidate a conviction unless the facts as found by the court do not constitute an offence other than under this Code.

Schedule

[Section 320.]

Table of Alternative Convictions

When a person is charged with an offence mentioned in the first column of this Table and the court is of the opinion that he is not guilty of that offence but that he is guilty of another offence mentioned in the second column of this Table, he may be convicted of the latter offence although he was not charged with it.

Nothing in this Table shall be construed to add to or derogate from the provisions of this Code or section 112 of the Criminal Procedure Code.

<i>First Column</i>		<i>Second Column</i>	
<i>Offence charged</i>	<i>Section of Code</i>	<i>Alternative conviction of other offence</i>	<i>Section of Code or other law</i>
Buggery	s. 146	Indecent assault	s. 127

Burglary	s. 217	Theft	s. 209
		Destroying or damaging property	s. 267
Incest by man	s. 142	Intercourse with girl under age of thirteen	s. 124
		Intercourse with girl under age of fifteen	s. 125
		Intercourse with defective	s. 126
Indecent assault	s. 127	Common assault	s. 192
Infanticide	s. 164	Killing unborn child	s. 171
		Concealing the birth of child	s. 172
Inflicting grievous bodily harm	s. 174	Assault causing actual bodily harm	s. 193
		Common assault	s. 192
Killing unborn child	s. 171	Abortion	s. 149
Manslaughter	s. 163	Killing unborn child	s. 167
		Abetment of suicide	s. 163
(Where use of vehicle involved)		Reckless or dangerous driving	ss. 47 and 49 of Motor Vehicles and Road Traffic Act
Murder	s. 159	Manslaughter	s. 163
		Infanticide	s. 164
		Abetment of suicide	s. 166
		Killing unborn child	s. 171
		Concealment of birth	s. 172
Rape	s. 123	Intercourse with girl under age of thirteen	s. 124
		Intercourse with girl under age of fifteen	s. 125
		Intercourse with a defective	s. 126
		Incest	s. 142
		Indecent assault	s. 127
		Procurement of woman by threats	s. 138
		Procurement of woman by false pretences	s. 139
		Administering drugs to obtain or facilitate intercourse	s. 140
		Common assault	s. 192
Theft	s. 209	Handling stolen goods	s. 233
		Using animal without consent of owner	s. 306

**CHAPTER 171
CRIMINAL CODE**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
