

SAINT KITTS & NEVIS
Infant Life (Preservation) Act.

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

2. (1) Subject as hereinafter in this subsection provided, any person who, with intent to destroy the life of a child capable of being born alive, by any willful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to imprisonment for life with or without hard labour: Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

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

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

(2) Where upon the trial of any person for the felony of child destruction the jury are of opinion that the person charged is not guilty of that felony, but that he is shown by the evidence to be guilty of an offence under the said section 53 of the Offences against the Person Act, the jury may find him guilty of that offence and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment under that section.

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

Offences Against the Person Act.

Part IX. *Attempts to Procure Abortion*

53. Every woman, being with child, who, with the intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument, or other means whatsoever, with the like intent; and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, unlawfully administers to her, or causes to be taken by her, any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever, with the like intent, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding ten years, with or without hard labour.

54. Whosoever unlawfully supplies, or procures, any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used, or employed, with intent to procure the miscarriage of any woman, whether she be or be not with child, is guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.