

DOMINICA

Offences Against the Person Act.

8. (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 wilful act causes a child to die before it has an existence independent of its mother is guilty of the offence of child destruction and liable on conviction on indictment to imprisonment for life; but 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 has 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.

9. (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 56 (which relates to administering drugs or using instruments to procure abortion), the jury are of opinion that the person charged is not guilty of murder, manslaughter or infanticide, or an offence under section 56, as the case may be, but that he is shown by the evidence to be guilty of the offence of child destruction, 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 for child destruction.

(2) Where upon the trial of any person for the offence of child destruction the jury are of opinion that the person charged is not guilty of that offence but that he is shown by the evidence to be guilty of an offence under section 56, 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 58 (which provides that a person acquitted of the murder of any child 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.

(4) Section 7 of the Evidence Act shall have effect as if this Act were included in the Schedule to that Act.

56. Any 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 any person who with intent to procure the miscarriage of any woman, whether she is with child or not, 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 liable to imprisonment for ten years.

57. Any person who 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 is with child or not, is liable to imprisonment for two years.