



CHAPTER 34.

An Act to amend the law with regard to the destruction of children at or before birth. A.D. 1929.

[10th May 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(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, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude for life: Punishment for child destruction.

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.

2.—(1) A court of quarter sessions shall not have jurisdiction to inquire of, hear, or determine any indictment for an offence under this Act, or for an attempt to commit any such offence. Prosecution of offences.

[CH. 34.] *Infant Life (Preservation) Act, 1929.* [19 & 20 GEO. 5.]

A.D. 1929. (2) Where upon the trial of any person for the murder or manslaughter of any child, or for infanticide, or for an offence under section fifty-eight of the Offences against the Person Act, 1861 (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 of an offence under the said section fifty-eight, 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.

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24 & 25 Vict.
c. 100.

(3) 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 fifty-eight of the Offences against the Person Act, 1861, 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.

(4) Section sixty of the Offences against the Person Act, 1861 (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.

61 & 62 Vict.
c. 36.

(5) Section four of the Criminal Evidence Act, 1898, shall have effect as if this Act were included in the schedule to that Act.

Short title
and extent.

3.—(1) This Act may be cited as the *Infant Life (Preservation) Act, 1929.*

(2) This Act shall not extend to Scotland or Northern Ireland.

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