



# Infant Life (Preservation) Act 1929

1929 CHAPTER 34 19 and 20 Geo 5

An Act to amend the law with regard to the destruction of children at or before birth. [10th May 1929]

## 1 Punishment for child destruction.

- (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:  
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.

### Modifications etc. (not altering text)

- C1 Reference to penal servitude for life to be construed as reference to imprisonment for life or any shorter term: [Criminal Justice Act 1948 \(c. 58\), s. 1\(1\)](#)

## 2 Prosecution of offences.

- (1) ..... F1
- (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 <sup>MI</sup>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

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**Changes to legislation:** There are currently no known outstanding effects for the Infant Life (Preservation) Act 1929. (See end of Document for details)

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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.

- (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) ..... F2

(5) ..... F3

#### Textual Amendments

**F1** S. 2(1) repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. II

**F2** S. 2(4) repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. III

**F3** S. 2(5) repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), Sch. 7 Pt. V

#### Marginal Citations

**M1** 1861 c. 100.

### 3 Short title and extent.

- (1) This Act may be cited as the Infant Life (Preservation) Act 1929.
- (2) This Act shall not extend to Scotland or Northern Ireland.

**Changes to legislation:**

There are currently no known outstanding effects for the Infant Life (Preservation) Act 1929.