

Country Code:	AG 1992 Rev. CAP. 216
Title:	INFANT LIFE (PRESERVATION) ACT
Country:	ANTIGUA AND BARBUDA
Date of entry into force:	December 8, 1937
Amendment:	32/1956
Subject:	Children - Law - Antigua and Barbuda
Key words:	Child destruction; Unborn children
Notes	Evidence of pregnancy for a period of 28 weeks or more shall be prima facie proof that a woman was pregnant at that time of a child capable of being born alive.

# LAWS OF ANTIGUA AND BARBUDA

Infant Life (Preservation)

(CAP. 216)

## CHAPTER 216

### THE INFANT LIFE (PRESERVATION) ACT

#### Arrangement of Sections

#### Section

1. Short title.
2. Punishment for child destruction.
3. Conviction for child destruction on trial for murder of child, etc.
- 3.(2) Conviction for offence under S.56 of Cap. 300 on trial for child destruction.
- 3.(3) S. 58 of Cap. 300 to apply in case of acquittal on trial of child destruction.

#### INFANT LIFE (PRESERVATION)

**6/1930. 32/1956**

(8th December, 1937.)

#### **Short title.**

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

#### **Punishment for child destruction.**

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 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 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.

# LAWS OF ANTIGUA AND BARBUDA

Infant Life (Preservation)

(CAP. 216)

## **Conviction for child destruction on trial for murder of child etc. Cap. 300.**

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 56 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 56 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.

## **Conviction for offence under S.56 of Cap. 300 trial 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 56 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.

## **S. 56 of Cap. 300 to apply in case of acquittal on child destruction.**

(3) Section 58 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.