



Application of Enactments Ordinance 1954 (FLK No.13 of 1954)

Application of Colony Laws Ordinance 1955 (DS No.1 of 1955)

Application of Enactments Ordinance 1962 (FLK No.4 of 1962)

Application of Colony Laws Ordinance 1964 (DS No.1 of 1964)

NOTE: THE APPLICATION OF ENACTMENTS ORDINANCE 1962 and the APPLICATION OF COLONY LAWS ORDINANCE 1964 REPEALED THE APPLICATION OF THIS STATUTE TO SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS AT THE SAME TIME THE SEXUAL OFFENCES ACT 1956 WAS APPLIED

Punishment of Incest Act, 1908 c.45

UK Legis LINK as originally enacted	Punishment of Incest Act 1908 c.45
English commencement	1 January 1909
English status	Repealed – see Sexual Offences Act 1956
AEO Schedule No.	6
Date applied in SGSSI:	1 November 1954
Extent of Application	Whole Act except Sections 6 and 7

Punishment of Incest Act 1908

Chapter 45

An Act to provide for the punishment of Incest.

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:

s1 Incest by males

- (1) Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother, shall be guilty of a misdemeanour, and upon conviction thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not less than three years, and not exceeding seven years, or to be imprisoned for any time not exceeding two years with or without hard labour: Provided that if, on an indictment for any such offence, it is alleged in the indictment and proved that the female person is under the age of thirteen years, the same punishment may be imposed as may be imposed under section four of the Criminal Law Amendment Act, 1885 (which deals with the defilement of girls under thirteen years of age).
- (2) It is immaterial that the carnal knowledge was had with the consent of the female person.
- (3) If any male person attempts to commit any such offence as aforesaid, he shall be guilty of a misdemeanour, and upon conviction thereof shall be liable at the discretion of the court to be imprisoned for any time not exceeding two years with or without hard labour.
- (4) On the conviction before any court of any male person of an offence under this section, or of an attempt to commit the same, against any female under twenty-one years of age, it shall be in the power of the court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period:

Provided that the High Court may at any time vary or rescind the order by the appointment of any other person as such guardian, or in any other respect.

s2 Incest by females of or over sixteen

Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother, or son, as the case may be) shall be guilty of a misdemeanour, and upon conviction thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term

not less than three years, and not exceeding seven years or to be imprisoned with or without hard labour for any term not exceeding two years.

s3 Test of relationship

In this Act the expressions "brother" and "sister," respectively, include half-brother and half-sister, and the provisions of this Act shall apply whether the relationship between the person charged with an offence under this Act and the person with whom the offence is alleged to have been committed, is or is not-traced through lawful wedlock.

s4 Prosecution of offences

- (1) An offence under this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859, and any Act amending the same.
- (2) A court of quarter sessions shall not have jurisdiction to enquire of, hear, or determine any indictment for an offence against this Act, or for an attempt to commit any such offence.
- (3) If, on the trial of any indictment for rape, the jury are satisfied that the defendant is guilty of an offence under this Act, but are not satisfied that the defendant is guilty of rape, the jury may acquit the defendant of rape and find him guilty of an offence under this Act, and he shall be liable to be punished accordingly.

If, on the trial of any indictment for an offence under this Act, the jury are satisfied that the defendant is guilty of any offence under sections four or five of the Criminal Law Amendment Act, 1885, but are not satisfied that the defendant is guilty of an offence under this Act, the jury may acquit the defendant of an offence under this Act and find him guilty of an offence under sections four or five of the Criminal Law Amendment Act, 1885, and he shall be liable to be punished accordingly.

- (4) Section 4 of the Criminal Evidence Act, 1898, shall have effect as if this Act were included in the schedule to that Act.

s5 Proceedings to be held in camera

All proceedings under this Act are to be held in camera.

s6 Sanction of Attorney General

[does not apply]

s7 Extent

[does not apply]

s8 Short title and commencement

This Act may be cited as the Punishment of Incest Act, 1908, and shall come into operation on the first day of January one thousand nine hundred and nine.

Notes:

1. **THE APPLICATION OF ENACTMENTS ORDINANCE 1962 and the APPLICATION OF COLONY LAWS ORDINANCE 1964 REPEALED THE APPLICATION OF THIS STATUTE TO SOUTH GEORGIA AND THE SOUTH SANDWICH ISLANDS AT THE SAME TIME THE SEXUAL OFFENCES ACT 1956 WAS APPLIED**

Disclaimers:

1. Nothing on this website should be taken as being a representation of what the Commissioner or Government of South Georgia and the South Sandwich Islands considers to be the laws of South Georgia and the South Sandwich Islands.
2. The Government cannot guarantee that links to any other website, including www.legislation.gov.uk will remain current, active
3. The only official publication of the laws of South Georgia and the South Sandwich Islands is made in the *Gazette*.

If you consider anything stated on the website is in error please advise the Government by email: admin@gov.gs