



Interpretation and General Clauses Ordinance (1977) (FLK No.14 of 1977)

Application of Colony Laws Ordinance 1977 (DS No.1 of 1977)

Interpretation and General Clauses (Amendment) Ordinance 1978 (FLK No.3 of 1978)

Application of Colony Laws Ordinance 1978 (DS No.1 of 1978)

Infanticide Act 1938

UK Legis LINK as originally
enacted

[Infanticide Act 1938 c.36](#)

English commencement

23 June 1938 (Royal Assent)

English status

In force (amended)

AEO Schedule No.

C9

Date applied in SSGSI

11 July 1977

Extent of application

Interpretation and General Clauses Ordinance
section 81A(2):

*"So much of the enactments specified in the
Schedule to this Ordinance as is not already
in force in the Colony, and is capable of being
applied therein by Ordinance, shall apply
therein with such modifications as the
circumstances of the Colony require."*

This is an enactment or a series of enactments listed
in the Schedule.

Infanticide Act 1938

Chapter 36

An Act to repeal and re-enact with modifications the provisions of the Infanticide
Act, 1922

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 Offence of Infanticide

- (1) Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this Act the offence would have amounted to murder, she shall be guilty of felony, to wit of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.
- (2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this Act they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.
- (3) Nothing in this Act shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section sixty of the [24 & 25 Vict. c. 100.] Offences against the Person Act, 1861, except that for the purposes of the proviso to that section a child shall be deemed to have recently been born if it had been born within twelve months before its death.
- (4) The said section sixty shall apply in the case of the acquittal of a woman upon an indictment for infanticide as it applies upon the acquittal of a woman upon an indictment for murder.

2 Short title, extent and repeal

- (1) This Act may be cited as the Infanticide Act, 1938.
- (2) This Act shall not extend to Scotland or Northern Ireland.

(3) The Infanticide Act, 1922, is hereby repealed

Notes:

1. Please see www.legislation.gov.uk website for the original Act and subsequent amendments and then consider it in the light of extent of application noted above and the Principal Adaptive Provisions.

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