

CHAPTER 153**SENTENCE OF DEATH (EXPECTANT MOTHERS)****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Sentence of death not to be passed on pregnant woman.
3. Procedure where woman convicted of capital offence alleges she is pregnant.



CHAPTER 153**SENTENCE OF DEATH (EXPECTANT MOTHERS)**

An Act to prohibit the passing of the sentence of death upon expectant mothers, and for other purposes connected therewith. 1934-6.

[20th December, 1934] Commencement.

1. This Act may be cited as the Sentence of Death (Expectant Mothers) Act. Short title.

2. Where a woman convicted of an offence punishable with death is found in accordance with this Act to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death. Sentence of death not to be passed on pregnant woman.

3. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant or where the court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by a jury. Procedure where woman convicted of capital offence alleges she is pregnant.

(2) Subject to subsections (3) and (4), the said jury shall be the trial jury, that is to say the jury to whom she was given in charge to be tried for the offence, and the members of the jury need not be resworn.

(3) Where any member of the trial jury, either before or after the conviction dies or is discharged by the court as being through illness incapable of continuing to act or for any other cause, the enquiry as to whether or not the woman is pregnant shall proceed without him.

(4) Where there is no trial jury or where a jury have disagreed as to whether the woman is or is not pregnant or have been discharged by the court without giving a verdict on that question, the jury shall be constituted as if to try whether or

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not she was fit to plead and shall be sworn in such manner as the court may direct.

(5) The question whether the woman is pregnant or not shall be determined by the jury on such evidence as may be laid before them either on the part of the woman or on the part of the Crown, and the jury shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(6) The rights conferred by this section on a woman convicted of an offence punishable with death shall be in substitution for the right of such woman to allege in stay of execution that she is quick with child and the last-mentioned right shall cease as from the commencement of this Act.