

**CHAPTER 28.**

**INFANTICIDE.**

**ARRANGEMENT OF SECTIONS.**

**SECTION.**

1. Short title.
2. Interpretation.
3. Offence of Infanticide.

**CHAPTER 28.**

**INFANTICIDE.**

**An Ordinance to Repeal and Re-enact with Modifications the Provisions of the Infanticide Ordinance, 1935.** 5 of 1939.

[15TH JUNE, 1939.]

1. This Ordinance may be cited as the Infanticide Ordinance, and shall apply to the Colony and Protectorate. Short title.

2. In this Ordinance " Court " means the Supreme Court. Interpreta-  
tion.

3. (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 Ordinance 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. Offence of  
Infanticide.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the Court before whom such woman is tried or, in the case of a trial by jury, the jury, is or 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 Court or jury as the case may be may, notwithstanding that the circumstances were such that but