

TRINIDAD AND TOBAGO.

*Offences against the Person.***No. 7.—1914.***4th March.*

AN ORDINANCE to amend the Offences against the Person Ordinance, (No. 14.)



[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

24th March, 1914.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Offences against the Person (Amendment) Ordinance, 1914. Short Title.

2. A Constable may take into custody without a warrant any person whom he shall have good cause to suspect of having committed, or of attempting to commit, any offence against Section 39 of the Offences against the Person Ordinance (No. 14.) Power to arrest without warrant.

3. Section 39 of the Offences against the Person Ordinance (No. 14) is amended:— Amendment of Section 39 of Ordinance No. 14.

- (a.) By inserting in paragraphs 3 and 4 thereof the words “or frequent” after the words “an inmate of” wherever those words occur; and
- (b.) By adding at the end thereof the words “and, if a male, with or without corporal punishment.”



Amendment
of Section 45
of Ordinance
No. 14.

4. Section 45 of the Offences against the Person Ordinance (No. 14) is amended:—

- (a.) By inserting the words "or person in charge" after the word "occupier" in line 4 thereof;
- (b.) By striking out the words "or subsequent" in line 19 thereof; and
- (c.) By striking out all after the words "hard labour" in line 22 and inserting in lieu thereof the following paragraph—

(3.) On a third or subsequent conviction, to a penalty not exceeding £100, or to imprisonment for any term not exceeding 12 months, with or without hard labour, and in addition to any such penalty or imprisonment, to be required by the Court to enter into a recognizance, with or without sureties, to be of good behaviour for any period not exceeding 12 months, and in default of entering into such recognizance to be imprisoned for a period not exceeding three months, with or without hard labour, in addition to any term of imprisonment awarded in respect of any such conviction.

Determination
of tenancy of
premises on
conviction for
permitting
use as brothel,
etc.

5.—(1.) Upon the conviction, after the commencement of this Ordinance, of the tenant, lessee, or occupier of any premises, of knowingly permitting the premises, or any part thereof, to be used as a brothel, the landlord or lessor shall be entitled to require the person so convicted to assign the lease or other contract under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract but without prejudice to the rights or remedies of any party to such lease or contract accrued before the date of such determination. If the landlord or lessor should so determine the lease or other contract of tenancy, the Court which has convicted the tenant, lessee,

or occupier shall have power to make a summary order for delivery of possession to the landlord or lessor.

(2.) If the landlord or lessor after such conviction has been brought to his notice, fails to exercise his rights under the foregoing provisions of this section and subsequently during the subsistence of the lease or contract any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have knowingly aided or abetted the commission of that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.

(3.) Where a landlord or lessor determines a lease or other contract under the powers conferred by this section and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence as aforesaid, he shall be deemed to have failed to exercise his rights under the foregoing provisions of this section, and any such offence as aforesaid committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

6.—(1.) Every male person who—

(a.) knowingly lives wholly or in part on the earnings of prostitution; or

(b.) in any public place persistently solicits or importunes for immoral purposes;

Male person living on earnings of prostitute or persistently soliciting.

shall be liable on summary conviction before a Magistrate to imprisonment, with or without hard labour, for a term not exceeding six months.

(2.) If it is made to appear to a Magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, the Magistrate may issue a warrant authorising any constable to enter and search the house and to arrest that male person.

(3.) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting, or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Woman
aiding in
prostitution.

7. Every female person who is proved to have, for the purposes of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, is guilty of an offence and is liable on summary conviction before a Magistrate to imprisonment for any term not exceeding six months, with or without hard labour.

Trial of
Summary
Offences on
indictment.

8. A person charged with an offence under Sections 6 or 7 of this Ordinance may instead of being proceeded against summarily be proceeded against on indictment, and on conviction on indictment shall be liable to imprisonment, with or without hard labour for a term not exceeding two years, and, in the case of a second or subsequent conviction, such second or subsequent conviction being a conviction on indictment, the Court may, in addition to any term of imprisonment awarded, sentence the offender, if a male, to undergo corporal punishment.

Evidence of
husband or
wife.

9. The wife or husband of a person charged with an offence under Sections 6 or 7 of this Ordinance may be called as a witness either for the prosecution or the defence and without the consent of the person charged, but nothing in this section shall affect a case where the wife or husband of a person charged with an offence may according to the rules of the Common Law of England be called as a witness without the consent of that person.

Restriction on
application of
Ordinance.

10. This Ordinance shall not apply to proceedings pending at the commencement of this Ordinance.

Passed in Council this Fourth day of March, in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,
Clerk of the Council.