

CHAPTER 142

PERJURY

1963-5

This Act came into operation on 1st July, 1965.

Amended by:

1966-10
1967/168

1980-48
1992-17

1996-28

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1985

1998

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 142

PERJURY 1963-5

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**BARBADOS****PERJURY
1963-5**

An Act to consolidate and simplify the law relating to perjury and kindred offences.

[Commencement: 1st July, 1965]

Short title

1. This Act may be cited as the *Perjury Act*.

Interpretation

- 2.(1) For the purposes of this Act, the expression
“indictment” has the meaning assigned to it in section 2 of the *Criminal Procedure Act*, Cap. 127;
“judicial proceeding” includes a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath.
- (2) For the purposes of this Act, the forms and ceremonies used in administering an oath are immaterial, if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question and if the oath has been administered in a form and with ceremonies

which the person taking the oath has accepted without objection or has declared to be binding on him.

Perjury

3.(1) Any person, lawfully sworn as a witness or as an interpreter in a judicial proceeding, who wilfully makes a statement material in that proceeding which he knows to be false or does not believe to be true shall be guilty of perjury and shall on conviction thereof on indictment be liable to imprisonment for 7 years or to a fine or to both such imprisonment and fine.

(2) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself but is made on oath before a person authorised by law to administer an oath to the person who makes the statement and to record or authenticate the statement, it shall, for the purposes of this section, be treated as having been made in a judicial proceeding.

(3) A statement made by a person lawfully sworn in Barbados for the purposes of a judicial proceeding

- (a) in another part of the Commonwealth; or
- (b) in a British tribunal lawfully constituted in any place by sea or land outside the Commonwealth; or
- (c) in a tribunal of any foreign state,

shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in Barbados.

(4) Where, for the purposes of a judicial proceeding in Barbados, a person is lawfully sworn under the authority of an Act for the time being in force in Barbados

- (a) in another part of the Commonwealth; or
- (b) before any representative of Barbados or other authority in a foreign country or in a place which before the 30th November, 1966, was

within the jurisdiction of the Admiralty of England and is cognisable by the courts of Barbados,
[1967/168]

a statement made by such person so sworn, unless the Act under which it was made otherwise specifically provides, shall be treated for the purposes of this section as having been made in the judicial proceeding in Barbados for the purposes whereof it was made.

(5) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial.

False statements on oath made otherwise than in a judicial proceeding

4. Any person

- (a) being required or authorised by law to make any statement on oath for any purpose and being lawfully sworn (otherwise than in a judicial proceeding) who wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true; or
- (b) who wilfully uses any false affidavit for the purposes of the *Bills of Sale Act*, Cap. 306,

shall be guilty of a misdemeanour and on conviction thereof on indictment shall be liable to imprisonment for 7 years or to a fine or to both such imprisonment and fine.

False statements, etc., with reference to marriage

5.(1) Any person who knowingly and wilfully makes any false answers or statements or declaration

- (a) where required by the *Marriage Act*; or
- (b) in answer to any questions put to him under the authority of the *Marriage Act*, Cap. 218; or

- (c) for the purpose of procuring any marriage not authorised by the *Marriage Act*,

shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for 7 years or to a fine or to both such imprisonment and fine.

- (2) Any person who

- (a) knowingly and wilfully makes a false affidavit, affirmation or declaration or signs a false notice under the *Marriage Act*, Cap. 218, for the purpose of procuring a marriage under the *Foreign Marriage Acts, 1892 to 1947** of the United Kingdom Parliament; or

**[55 & 56 Vict. c. 23, 24 & 25 Geo. 5 c. 13 and 10 & 11 Geo. 6 c. 33.]*

- (b) forbids a marriage under the said *Foreign Marriage Acts* by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false,

shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for 7 years or to a fine or to both such imprisonment and fine and may be tried in any court in Barbados and dealt with in the same manner in all respects as if the offence had been committed in Barbados.

False statements, etc., as to registration of baptisms, marriages, and burials

6. Any person who wilfully makes or causes to be made for the purpose of being inserted or inserts or permits to be inserted in any register of baptism, marriage or burial any false statement touching any of the particulars required to be known and registered under the *Registration Act*, Cap. 191, such person shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for 2 years or to a fine or to both such imprisonment and fine.

False statutory declarations and other false statements with out oath

7. Any person who knowingly and wilfully makes, otherwise than on oath, a statement false in a material particular, and the statement is made

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance-sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document which he is authorised or required to make, attest or verify by any statute for the time being in force in Barbados; or
- (c) in any oral declaration or oral answer which he is required to make by, under or in pursuance of any statute for the time being in force in Barbados,

shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for 2 years or to a fine or to both such imprisonment and fine.

False unsworn statement under *Evidence (Proceedings in Other Jurisdictions) Act*

7A. If a person in giving testimony either orally or in writing, otherwise than on oath, where required to do so by an order under section 4 of the *Evidence (Proceedings in Other Jurisdictions) Act*, Cap. 121A, makes a statement

- (a) which he knows to be false in a material particular; or
- (b) which is false in a material particular and which he does not believe to be true,

he is guilty of an offence and is liable on conviction on indictment to imprisonment for 2 years, or to a fine, or both.

[1980-48]

False declarations, etc., to obtain registration, etc., for carrying on a vocation

- 8.** Any person who
- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any statute for the time being in force in Barbados of persons qualified by law to practise any vocation or calling; or
 - (b) procures or attempts to procure a certificate of the registration of any person on any such register or roll,

by wilfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for 12 months or to a fine or to both such imprisonment and fine.

Aiders, abettors, suborners, etc.

- 9.(1)** Every person who aids, abets, counsels, procures or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.
- (2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act shall be guilty of a misdemeanour and on conviction thereof on indictment shall be liable to imprisonment for 12 months or to a fine or to both such imprisonment and fine.

Venue

- 10.** Where an offence against this Act or any offence punishable as perjury or as subornation of perjury under any other statute for the time being in force in Barbados is committed in any place outside Barbados and the offender is apprehended in Barbados or is in custody in Barbados for such offence, the

offender may be proceeded against, indicted, tried and punished in Barbados as if the offence had been committed in Barbados and, for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in Barbados.

Power to direct a prosecution for perjury

11.(1) Where a Judge, a magistrate or a coroner is of opinion that any person has, in the course of a proceeding before him, been guilty of perjury, such Judge or magistrate or coroner may order the prosecution of that person for such perjury, where there appears to be reasonable cause for such prosecution, and may commit him, or grant him bail and may require any person to enter into a recognisance to prosecute or give evidence against the person whose prosecution is so ordered and may give the person so bound to prosecute a certificate of the making of the order for the prosecution for which certificate no charge shall be made.

(2) An order made or a certificate given under this section shall not be given in evidence for the purpose, or in the course, of any trial of a prosecution resulting therefrom.

[1996-28]

Form of indictment

12.(1) In an indictment

- (a) for making any false statement or false representation punishable under this Act; or
- (b) for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly taking, making, signing or subscribing any oath, affirmation, solemn declaration, statutory declaration, affidavit, deposition, notice, certificate or other writing, it is sufficient to set forth the substance of the offence charged and before which court or person (if any) the offence was committed without setting forth the proceedings or any part of the proceedings in the course of which the

offence was committed and without setting forth the authority of any court or person before whom the offence was committed.

(2) In an indictment for aiding, abetting, counselling, suborning or procuring any other person to commit any offence mentioned in subsection (1), or for conspiring with any other person or for attempting to suborn or procure any other person, to commit any such offence, it is sufficient

- (a) where such offence has been committed, to allege that offence and then to allege that the defendant procured the commission of that offence; and
- (b) where such offence has not been committed, to set forth the substance of the offence charged against the defendant without setting forth any matter or thing which it is unnecessary to aver in the case of an indictment for a false statement or false representation punishable under this Act.

Corroboration

13. A person shall not be liable to be convicted of any offence against this Act or of any offence declared by any other Act to be perjury or subornation of perjury or to be punishable as perjury or subornation of perjury, solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

Proof of certain proceedings on which perjury is assigned

14. On a prosecution

- (a) for perjury alleged to have been committed on the trial of an indictment for misdemeanour; or
- (b) for procuring or suborning the commission of perjury on any such trial,

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the clerk of the court, or other person having the custody of the records of the court, where the indictment was

tried, or by the deputy of that clerk or other person, without proof of the signature or official character of the clerk or person appearing to have signed the certificate.

[1992-17]

Savings

15.(1) Where the making of a false statement is not only an offence under this Act but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty, other than imprisonment or fine, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act.

(2) Where the making of a false statement is by any other Act (whether such other Act came into operation before, on, or after, the 1st July, 1965*) made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act:

**[The date of commencement of this Act.]*

Provided that where such an offence is by any Act that came into operation before the 1st July, 1965, made punishable only on summary conviction, it shall remain only so punishable.

(3) Nothing in this Act shall affect any of the provisions of section 13 of the *Prevention of Cruelty to Children Act*, Cap. 145.