

Offences against the Person Act Amendment Act 1874

Public Act 1874 No 4
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An Act to amend “The Offences against the Person Act, 1867,” and to repeal “The Offences against the Person Act Amendment Act, 1868,” and to make other provisions in lieu thereof.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be “The Offences against the Person Act Amendment Act, 1874.”

2 Repeal.

Subject to the provision hereafter contained, the forty-eighth section of “The Offences against the Person Act, 1867,” and “The Offences against the Person Act Amendment Act, 1868,” are hereby repealed.

Offences committed before this Act comes into operation to be dealt with under the repealed section of the said Act.

Provided, however, that every offence committed before the coming into operation of this Act against the provisions of the enactments hereby repealed shall be dealt with and punished as if the said enactments had not been repealed; and every act duly done before the coming into operation of this Act shall continue and be of the same force as if the said enactments hereby repealed had not been repealed.

3 Attempts to commit rape.

Whosoever shall be convicted of an attempt to commit, or of an assault with intent to commit, the crime of rape, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

4 Carnally knowing a girl between the ages of ten and twelve.

Whosoever shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

5 Attempt to commit the last two offences.

Whosoever shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

6 Whipping for offenders against this Act, or 45th or 47th section of “The Offences against the Person Act, 1867.”

Where any person is convicted of a crime under any of the foregoing sections of this Act, or the forty-fifth or forty-seventh section of “The Offences against the Person Act, 1867,” the Court before whom he is convicted may, in addition to the punishment awarded, direct that the offender be once twice or thrice privately whipped: Provided the number of strokes do not exceed fifty at each such whipping, and that the Court in its sentence shall specify the number of strokes to be inflicted and the instrument to be used: Provided also that in no

case shall such whipping take place after the expiration of six months from the passing of the sentence: Provided also that in all cases where the punishment of whipping shall be inflicted under the authority of this Act, the surgeon or medical officer of the gaol in which the offender is confined shall be present when the said punishment is inflicted; and such surgeon or medical officer, if he be of opinion that the prisoner is not at any time able to bear the whole or any part of the said punishment so awarded, may from time to time order the infliction of the whole or any part of the said punishment to be postponed, and shall, within seven days after the making of any such order, send a report in writing stating his reasons for making such order, to the Colonial Secretary.

7 Act to be read part of “The Offences against the Person Act, 1867.”

This Act shall be construed and read as part of “The Offences against the Person Act, 1867.”