



## Offences Against the Person Act, Mount Vema 2017

**2017 No. 4**

**Order No.4 SI/MV2017/4**

**Made:** 5<sup>th</sup> of June 2017, in accordance with the 2006 Declaration of Sovereignty

**Royal Mount Vema Seal of Approval:** Granted 6<sup>th</sup> of June 2017

**Comes into Operation:** 7<sup>th</sup> of June 2017

The Kingdom of Mount Vema Offences Against the Person Legislation, is an Act relating to Offences against the Person.

In exercise of the powers conferred upon The Sovereign of Vema Seamount under GOD, and of all other powers enabling Him, His Mount Vema Majesty King Peter Jon Goldishman, Ruler of the Kingdom of Mount Vema, and the territorial waters at 31 38' S 8° 20' E, under GOD hereby Grants His Royal Seal of Approval, for the following Legislation:—

### **1- Homicide**

#### **1.1- Conspiring or soliciting to commit murder**

Whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to imprisonment for life.

#### **1.2- Manslaughter**

Whosoever shall be convicted of manslaughter shall be liable, at the discretion of the court, to be kept in penal servitude for life.

#### **1.3- Murder or manslaughter abroad**

Where any murder or manslaughter shall be committed on a territory out of the Kingdom of Mount Vema, whether within a diplomatic premise, or a maritime vessel of the Kingdom of Mount Vema, and whether the person killed were a citizen of the Kingdom of Mount Vema or not, every offence committed by any citizen of the Kingdom of Mount Vema in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, may be dealt with, inquired of, tried, determined, and punished. Provided, that nothing herein contained shall

prevent any person from being tried in any place out of the Kingdom of Mount Vema for any murder or manslaughter committed out of the Kingdom of Mount Vema, in the same manner as such person might have been tried before the passing of this Act.

#### **1.4- Provision for the trial of murder and manslaughter where the death or cause of death only happens in the Kingdom of Mount Vema**

Where any person being criminally stricken, poisoned, or otherwise hurt upon the sea, or at any place out of the Kingdom of Mount Vema, shall die of such stroke, poisoning, or hurt in the Kingdom of Mount Vema, or, being criminally stricken, poisoned, or otherwise hurt in any place in the Kingdom of Mount Vema, shall die of such stroke, poisoning, or hurt upon the sea, or at any place out of the Kingdom of Mount Vema, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, may be dealt with, inquired of, tried, determined, and punished.

### **2- Letters threatening to murder**

#### **2.1- Threats to kill**

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding twenty years.

### **3- Acts causing or tending to cause Danger to Life or Bodily Harm**

#### **3.1- Impeding a person endeavouring to save himself from shipwreck**

Whosoever shall unlawfully and maliciously prevent or impede any person, being on board of or having quitted any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or shall unlawfully and maliciously prevent or impede any person in his endeavour to save the life of any such person as in this section first aforesaid, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

### **3.2- Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm**

Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person, with intent, to do some grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

### **3.3- Inflicting bodily injury, with or without weapon**

Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

### **3.4- Attempting to choke, in order to commit any indictable offence**

Whosoever shall, by any means whatsoever, attempt to choke, suffocate, or strangle any other person, or shall by any means calculated to choke, suffocate, or strangle, attempt to render any other person insensible, unconscious, or incapable of resistance, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

### **3.5- Using chloroform, to commit any indictable offence**

Whosoever shall unlawfully apply or administer to or cause to be taken by, or attempt to apply or administer to or attempt to cause to be administered to or taken by, any person, any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

### **3.6- Maliciously administering poison, so as to endanger life or inflict grievous bodily harm**

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding twenty years.

### **3.7- Maliciously administering poison, with intent to injure, aggrieve, or annoy any other person**

Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

### **3.8- If the jury be not satisfied that any person charged is guilty of felony, but guilty of misdemeanor they may find him guilty accordingly**

If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be liable to be punished in the same manner as if convicted upon an indictment for such misdemeanor.

### **3.9- Not providing apprentices or servants with food, whereby life is endangered**

Whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

### **3.10- Exposing children whereby life is endangered**

Whosoever shall unlawfully abandon or expose any child, being under the age of three years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

### **3.11- Causing bodily injury by gunpowder**

Whosoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or to be imprisoned.

### **3.12- Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm**

Whosoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or put or lay at any place, or cast or throw at or upon or otherwise apply to any person, any corrosive fluid or any destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person, shall, whether any bodily injury be effected or not, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or to be imprisoned.

### **3.13- Placing gunpowder near a building, with intent to do bodily injury to any person**

Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion take place, and whether or not any bodily injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding twenty years or to be imprisoned.

### **3.14- Setting spring guns, with intent to inflict grievous bodily harm**

Whosoever shall set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

### **3.15- Vehicle Drivers injuring persons by furious driving**

Whosoever, having the charge of any vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding ten years.

## **4- Assaults**

### **4.1- Obstructing or assaulting a clergyman or other minister in the discharge of his duties**

Whosoever shall, by threats or force, obstruct or prevent or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding ten years.

### **4.2- Assaulting a magistrate, on account of his preserving wreck**

Whosoever shall assault and strike or wound any magistrate, officer, or other person whatsoever lawfully authorized, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty

of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding twenty years.

#### **4.3- Assault with intent to commit felony, or on peace officers**

Whosoever shall assault any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding five years.

#### **4.4- Assaults with intent to obstruct the sale of grain, or its free passage**

Whosoever shall beat, or use any violence or threat of violence to any person, with intent to deter or hinder him from buying, selling, or otherwise disposing of, or to compel him to buy, sell, or otherwise dispose of, any wheat or other grain, flour, meal, malt, or potatoes, in any market or other place, or shall beat or use any such violence or threat to any person having the care or charge of any wheat or other grain, flour, meal, malt, or potatoes, whilst on the way to or from any store, district, or other place, with intent to stop the conveyance of the same, shall on conviction thereof before two justices of the peace be liable to be imprisoned in the common jail or house of correction for any term not exceeding six months: Provided, that no person who shall be punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever.

#### **4.5- Assaults on seamen**

Whosoever shall unlawfully and with force hinder or prevent any seaman, from working at or exercising his lawful trade, business, or occupation, or shall beat or use any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall on conviction thereof before two justices of the peace be liable to be imprisoned in the common jail or house of correction for any term not exceeding six months: Provided, that no person who shall be punished for any such offence by reason of this section shall be punished for the same offence by virtue of any other law whatsoever.

#### **4.6- Persons committing any common assault or battery may be imprisoned or compelled by two magistrates to pay fine and costs**

Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before

them, at the discretion of the justices, either be committed to the common jail or house of correction, there to be imprisoned, for any term not exceeding twelve months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of [€1000]; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common jail or house of correction, there to be imprisoned, for any term not exceeding twelve months, unless such fine and costs be sooner paid.

#### **4.7- Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined**

#### **4.8- If the magistrates dismiss the complaint, they shall make out a certificate to that effect**

If the justices, upon the hearing of any such case of assault or battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved, under either of the last two preceding sections, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

#### **4.9- Certificate or conviction shall be a bar to any other proceedings**

If any person against whom any such complaint shall have been preferred by or on the behalf of the party aggrieved shall have obtained such certificate, or, having been convicted, shall have paid the whole amount adjudged to be paid, or shall have suffered the imprisonment awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

#### **4.10- Assault occasioning bodily harm**

Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to be kept in penal servitude.

## **5- Child-stealing**

### **5.1- Child-stealing**

Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained, as in this section before mentioned, shall be guilty of felony, 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 or to be imprisoned. Provided, that no person who shall have claimed any right to the possession of such child, or shall be the mother or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

## **6- Bigamy**

### **6.1- Bigamy. Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, herein stated**

Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in the Kingdom of Mount Vema or elsewhere, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding seven years.:

Provided, that nothing in this section contained shall extend to any second marriage contracted elsewhere than in Kingdom of Mount Vema by any other than a citizen of the Kingdom of Mount Vema, or to any person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction.

## **7- Attempts to procure Abortion**

### **7.1- Administering drugs or using instruments to procure abortion**

Every woman, being with child, who, with intent to procure her own miscarriage, shall unlawfully administer to herself any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for life.

### **7.2- Procuring drugs, to cause abortion**

Whosoever shall unlawfully supply or procure any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be kept in penal servitude.

## **8- Concealing the Birth of a Child**

### **8.1- Concealing the birth of a child**

If any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding six years.

## **9- Making Gunpowder to commit Offences, and searching for the same**

### **9.1- Making or having gunpowder, with intent to commit any felony against this Act**

Whosoever shall knowingly have in his possession, or make or manufacture, any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the felonies in

this Act mentioned shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding six years.

### **9.2- Justices may issue warrants for searching houses, in which explosive substances are suspected to be made for the purpose of committing felonies against this Act**

Where any such gunpowder, or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument or thing, is suspected to be made, kept, or carried for the purpose of being used in committing any of the felonies in this Act mentioned, a justice of the peace, upon reasonable cause assigned upon oath by any person, may issue a warrant for searching, any house, factory, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as herein-before mentioned; and every person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he shall have good cause to suspect to be intended to be used in committing any such offences, and the barrels, packages, cases and other receptacles in which the same shall be, the same powers and protections which are given to persons searching for unlawful quantities of gunpowder.

## **10- Other Matters**

### **10.1- Offences committed within the maritime jurisdiction**

All indictable offences mentioned in this Act which shall be committed within the maritime jurisdiction of Mount Vema shall be liable to the same punishments, as if they had been committed in the Kingdom of Mount Vema.

### **10.2- Summary proceedings in Mount Vema**

Every offence hereby made punishable on summary conviction may be prosecuted in Mount Vema and may be prosecuted in a foreign country at the request of the Secretary of State or the Secretary for the Territory, including allocation of jail and imprisonment facilities in a foreign country paid for by the minister for justice.

## **11- Short title and commencement**

11.1- This Act may be cited as the Offences Against the Person Act, Mount Vema 2017.

11.2- This Act shall come into operation on such date as His Mount Vema Majesty may by Order appoint, and different dates may be appointed in relation to different provisions of this Act.