



# Criminal Justice Act (Northern Ireland) 1945

## 1945 CHAPTER 15

### PART II **N.I.**

#### PROVISIONS AS TO OFFENCES, SENTENCES, PENALTIES AND COSTS

##### OFFENCES

#### 25 **Punishment for child destruction.** **N.I.**

- (1) Subject as hereafter in this [<sup>F1</sup>section] provided, any person who, with intent to destroy the life of a child then capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof on indictment to penal servitude<sup>F2</sup> for life:

Provided that no person shall be found guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

[<sup>F3</sup>(1A) Subsection (1) does not apply to—

- (a) the pregnant woman herself; or
- (b) a registered medical professional (within the meaning of the Abortion (Northern Ireland) (No. 2) Regulations 2020) who terminates a pregnancy in accordance with regulations 3 to 8 of those Regulations.]

- (2) For the purposes of this and the next succeeding section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be prima facie proof that she was at that time pregnant of a child then capable of being born alive.

[<sup>F4</sup>(3) Proceedings in respect of an offence under subsection (1) may be brought only by, or with the consent of, the Director of Public Prosecutions for Northern Ireland.]

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**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1945, Section 25. (See end of Document for details)*

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- F1** Word in s. 25(1) substituted (31.3.2020) by [The Abortion \(Northern Ireland\) Regulations 2020 \(S.I. 2020/345\)](#), regs. 1(b), **13(2)** (with reg. 15); and (14.5.2020) by [The Abortion \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/503\)](#), regs. 1(1)(b), **13(2)** (with reg. 15)
- F2** 1953 c.14 (NI)
- F3** S. 25(1A) inserted (14.5.2020) by [The Abortion \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/503\)](#), regs. 1(1)(b), **13(3)** (with reg. 15)
- F4** S. 25(3) inserted (31.3.2020) by [The Abortion \(Northern Ireland\) Regulations 2020 \(S.I. 2020/345\)](#), regs. 1(b), **13(4)** (with reg. 15); and (14.5.2020) by [The Abortion \(Northern Ireland\) \(No. 2\) Regulations 2020 \(S.I. 2020/503\)](#), regs. 1(1)(b), **13(4)** (with reg. 15)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice Act (Northern Ireland) 1945, Section 25.