

LEGISLATIVE COUNCIL.

Draft Bill.

No. S. 195.—The following bill, which it is proposed to introduce into the Legislative Council shortly, is published for general information.

[No. 10 :—13.7.26.—1.]

C.S.O. 655/22.

A BILL

INTITLED

An Ordinance to amend the Perjury Ordinance, 1922.

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

Short title. 1. This Ordinance may be cited as the Perjury Amendment Ordinance, 1926.

Amendment of Ordinance No. 21 of 1922, s. 12. 2. Section 12 of the Perjury Ordinance, 1922, is amended by the deletion of the words "for perjury" in the marginal note, and by the insertion of the following sub-section immediately after sub-section (1), and by the renumbering of sub-section (2) as sub-section (3):—

(2) Where a judge or magistrate is of opinion that in the course of a proceeding before him any person has made on oath any statement of fact or alleged fact which was material to the issue or matter in question in such proceeding, and which is contradictory to another statement of fact or alleged fact previously made by the said person in the same or any other judicial proceeding, he may order the prosecution of that person under section 10, in case there shall appear to be reasonable cause for such prosecution, and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person to enter into a recognizance 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.

Objects and Reasons.

This bill proposes to effect a minor amendment in the Perjury Ordinance, 1922. Section 10 of that Ordinance makes it possible, when a witness has made two contradictory statements, to charge him with having made the contradictory statements and to obtain a conviction on proof of this contradiction without the necessity of proving the truth or falsehood of either statement. This section originally appeared as section 6 of Ordinance No. 7 of 1857. Section 12 of the Perjury Ordinance gives a judge or magistrate power to direct a prosecution for perjury and to commit the accused for trial or to admit him to bail. There is no similar power to order a prosecution for an offence against section 10. Clause 2 of the bill proposes to give this power.

J. H. KEMP,
Attorney General.

14th June, 1926.