



# **ST CHRISTOPHER AND NEVIS**

## **CHAPTER 4.03**

# **ACCESSORIES AND ABETTORS ACT**

### **Revised Edition**

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986

This edition contains a consolidation of the following laws:

#### **Accessories and Abettors Act**

**Act 7 of 1876 in force 1<sup>st</sup> January, 1877**

**Amended by Act 7 of 1976**



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Revision Date: 31 Dec 2002

## **CHAPTER 4.03**

### **ACCESSORIES AND ABETTORS ACT**

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Revision Date: 31 Dec 2002

## **CHAPTER 4.03**

### **ACCESSORIES AND ABETTORS ACT**

**AN ACT to provide for matters relating to accessories and abettors; and to provide for related or incidental matters.**

**1. Short title.**

This Act may be cited as the Accessories and Abettors Act.

**2. Accessories before the fact may be tried and punished as principals.**

A person who becomes an accessory before the fact to any felony, whether the same be a felony at common law or by virtue of any enactment, may be indicted, tried, convicted, and punished, in all respects, as if he or she were a principal felon.

**3. Accessories before the fact may be indicted as such, or as substantive felons.**

A person who counsels, procures, or commands any other person to commit any felony, whether the same be a felony at common law or by virtue of any enactment, commits a felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall, or shall not, have been previously convicted, or shall, or shall not, be amenable to justice, and may thereupon be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory, may be punished.

**4. Accessory after the fact may be indicted as such, or as substantive felon.**

A person who becomes an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any enactment, may be indicted and convicted, either as an accessory after the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony whether the principal felon shall, or shall not, have been previously convicted, or shall, or shall not, be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony, if convicted as an accessory, may be punished.

**5. Punishment of accessory after the fact.**

Every accessory after the fact to any felony (except where it is otherwise specially enacted), whether the same be a felony at common law or by virtue of any enactment, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and it shall be lawful for the Court, if it shall think fit, to require the offender to enter into his or her own recognisances and to find sureties, both or either, for keeping the peace, in addition to such punishment:

Provided that no person shall be imprisoned under this section for not finding sureties for any period exceeding one year.

**6. Prosecution of accessory after principal has been convicted but before judgment.**

If any principal offender is in any way convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if judgment on such conviction had been recorded against the principal felon, notwithstanding such principal felon dies or is pardoned, or otherwise delivered before judgment, and every such accessory shall, upon conviction, suffer the same punishment as he or she would have suffered if judgment had been so recorded against the principal felon.

**7. Several accessories may be included in the same indictment although principal felon not included.**

Any number of accessories at different times to any felony, and any number of receivers at different times of property stolen at one time, may be charged with substantive felonies in the same indictment and may be tried together, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.

**8. Abettors in misdemeanours.**

A person who aids, abets, counsels, or procures the commission of any misdemeanour, whether the same be a misdemeanour at common law or by virtue of any enactment, shall be liable to be tried, indicted, and punished as a principal offender.