

## TRINIDAD AND TOBAGO.

*Corporal Punishment.*

No. 34.—1900.

*26th November.*AN ORDINANCE to consolidate the law relating to  
Corporal Punishment.

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

*3rd December, 1900.*

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

Short title.

1. This Ordinance may be cited as the Corporal Punishment Ordinance, 1900.

Repeal.

2. The following Ordinances and parts of Ordinances are hereby repealed:—

Ordinance No. 1—1867—The whole.

„ 6—1868—Sections 77, 78, 79 & 80.

„ 6—1883—The whole.

„ 15—1885 „

„ 2—1888 „

„ 1—1894—Sections 12, 13, 14 & 15.

„ 8—1899—Section 32.

3. The repeals by this Ordinance enacted shall not <sup>Saving.</sup> affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending at the commencement of this Ordinance.

4. The term Corporal punishment shall mean whipping, flogging, and in the case of female offenders shall mean having the hair cut close and kept close while <sup>Definition.</sup> undergoing imprisonment and until discharged from prison.

5. A male offender not above the age of 16 years on being convicted before a Court of Summary Jurisdiction or on indictment of any of the offences mentioned in Schedule I. hereto, or of any other offence which by Ordinance subjects the offender on conviction to undergo corporal punishment may be ordered to be whipped, and the number of strokes shall be subject to the following limitation, that is to say:—

Where the offender is seven years of age and not more than twelve years of age the number of strokes shall not exceed six.

Where the age of the offender exceeds twelve years but does not exceed fourteen years the number of strokes shall not exceed twelve.

Where the age of the offender exceeds fourteen years but does not exceed sixteen years the number of strokes shall not exceed sixteen.

6. Where any person is convicted of any offence mentioned in Schedule II. hereto, then in addition to any other punishment to which such person is liable, such offender shall be liable, at the discretion of the Court, to undergo corporal punishment as follows, namely:—

(1.) If a male of the age of 16 or over, to be flogged.

(2.) If a male under the age of 16, to be whipped.

(3.) If a female to have her hair cut close on being committed to prison, and to be kept close while undergoing imprisonment and until discharged from prison.

7. In any case where a person convicted is sentenced to undergo capital punishment corporal punishment shall not be inflicted.

8. In every case of flogging the instrument used shall be the ordinary cat-of-nine-tails, and in every case of whipping the instrument used shall be a rod of tamarind, birch, or other switches; and in each case the Court shall specify in the sentence the number of strokes to be inflicted, not exceeding in cases of flogging 24, and in cases of whipping the number specified in the fifth section hereof: and may direct whether the whole of such strokes are to be inflicted at one time and if not at what intervals during the imprisonment. But if no such direction is given, then the flogging or whipping may be inflicted at any time during the imprisonment.

9. Except in the case of an offender not exceeding 14 years of age, and who is directed to be whipped elsewhere than in a prison, no punishment of flogging or whipping shall be inflicted publicly or except within the walls of the prison within which the convict shall be imprisoned, and in the presence of the Medical Officer of such prison or some other duly qualified Medical practitioner, and no person not officially connected with the prison shall be present, and it shall be lawful for such Medical Officer or Practitioner in any case, if he considers the offender to be physically unfit to undergo the punishment either before the flogging or whipping or after the partial execution of such sentence, to interfere and by order in writing addressed to the keeper of such prison to direct the flogging or whipping or the remainder of such flogging or whipping, as the case may be, to be inflicted on such other day as he shall specify in such order or to be respited pending the decision of the Governor as the case may be.

10. The Medical Officer or Practitioner appointed to be present at the infliction of any flogging or whipping shall, within two days thereafter, report to the Governor in writing the state and condition of the person so punished, and whether such flogging or whipping has been inflicted fully or partially, and if partially to what extent, and if he has interfered to prevent the execution or completion of the punishment directed, the grounds on which he has so interfered.

11. It shall be lawful for the Governor on the receipt of such report, if he shall see fit, by order in writing addressed to the keeper of the prison where such convict shall be imprisoned, altogether to remit such flogging or whipping or the residue thereof, or to order the same to be inflicted on such other day as the Governor may see fit.

12. In every case in which an offender has been sentenced by a Magistrate to be flogged, the Magistrate shall forthwith forward his notes of the evidence, together with any remarks that he may desire to make on the subject, to the Governor, who may in any such case remit the whole or any part of the flogging, or may at his discretion order the offender to be whipped instead of being flogged, though such offender be of the age of sixteen years or upwards.

13. In determining the age of an offender for the purposes of this Ordinance a Judge or Stipendiary Justice may, in the absence of direct evidence of age, adjudge such age according to the appearance of the offender.

Passed in Council this Twenty-sixth day of November in the year of Our Lord one thousand nine hundred.

ALFRED TAITT,  
*Acting Clerk of the Council.*

SCHEDULE I.

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1. Simple Larceny.
2. Offences declared by any Ordinance in force to be punishable as simple larceny.
3. Larceny or stealing from the person.
4. Larceny as a clerk or servant.
5. Embezzlement by a clerk or servant.
6. Receiving stolen goods, that is to say committing any of the offences relating to property specified in sections 53 and 54 of Ordinance No. 11 of 1842.
7. Aiding, abetting, counselling or procuring the commission of simple larceny, or of an offence declared by any Ordinance in force to be punishable as simple larceny, or of larceny or stealing from the person, or of larceny as a clerk or servant.
8. Attempt to commit simple larceny, or an offence declared by any Ordinance in force to be punishable as simple larceny, or to commit larceny from or steal from the person, or to commit larceny as a clerk or servant.

SCHEDULE II.

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1. Any offence under sections 2, 3, 4, 5, 6, 7 and 8 of Ordinance 5 of 1885.
2. Any offence under sections 6 and 7 of Ordinance No. 1 of 1894.
3. Any offence under section 2 of Ordinance No. 20 of 1891.
4. Any offence against the person tried before the Supreme Court wherein it is proved by the evidence adduced at the trial that the offender inflicted a wound with a knife, razor, or any other sharp or pointed instrument whatever, made of metal, or any bottle or glass, whether broken or otherwise, likely to do any grievous bodily harm.
5. Being deemed an incorrigible rogue under Ordinance No. 6 of 1868.
6. Any offence punishable by flogging under the provisions of Ordinance No. 8 of 1899.

7. Stealing or wilfully receiving knowing the same to have been stolen, any horse, mare, gelding, colt or filly, or any mule or ass, or any bull, cow, ox, steer, heifer or calf, or any ram, ewe, sheep or lamb, or any hog, sow or pig, or any goat or kid, or wilfully killing any such cattle with intent to steal the carcass or skin or any part of the cattle so killed.
8. Having been convicted before the Supreme Court or any Stipendiary Justice of stealing or destroying or damaging with intent to steal any sugar cane, cocoa tree, or coffee tree, or any cultivated root or plant used for the food of man or beast, or for medicine or dyeing or distilling or for or in the course of any manufacture, and growing in any land whether open or enclosed, or of stealing or wilfully receiving, knowing the same to have been stolen, any domesticated animal or any animal ordinarily used for human food, and afterwards committing any of the said offences and being convicted thereof before the said Court or Stipendiary Justice.