

TRINIDAD AND TOBAGO.

Corporal Punishment.

No. 12.—1902.

5th May.

AN ORDINANCE relating to Corporal Punishment.

[L.S.]

ALFRED MOLONEY,

GOVERNOR.

21st May, 1902.

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, 1902.
- Repeal.** 2. The Ordinance No. 34 of 1900 is hereby repealed.
- Saving.** 3. The repeal by this Ordinance enacted shall not 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. Where in any Ordinance it is provided that any person shall be liable to undergo corporal punishment, such punishment shall, if awarded, be in accordance with the provisions hereof.
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 for which the offender on

conviction may be sentenced to undergo corporal punishment may in lieu of any other punishment 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.

Provided that no offender shall be whipped under this section more than once for any one and the same offence.

6. Where any person is convicted of any offence mentioned in Schedule II. hereto or of any other offence for which the offender on conviction may be sentenced to undergo corporal punishment 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 over the age of 16, to be flogged.
- (2.) If a male of the age of 16 or under, to be whipped according to the provisions of Section 5 hereof.
- (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. ^{Capital punishment.}

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. The flogging or whipping may be inflicted at any time during the imprisonment.

9. No corporal punishment shall be inflicted publicly ; and except in the case of an offender not exceeding 14 years of age who is directed to be whipped elsewhere, no corporal punishment shall be inflicted 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 to be suspended.

10. When any offender has been sentenced to undergo corporal punishment it shall be lawful in every case for such person to be detained in the prison or some other convenient place for such time as may be necessary in order to have such flogging or whipping duly administered in accordance with the provisions hereof.

Medical Officer's Report.

11. 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.

Governor may remit sentence.

12. 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 any part of the flogging or whipping, or to order the same to be inflicted on such other day as the Governor may see fit.

13. 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 may be over the age of sixteen years.

S. J. P. to send
notes to
Governor.

14. 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.

Determination
of age.

Passed in Council this Fifth day of May, in the year of Our Lord one thousand nine hundred and two.

C. J. ROOKS
Clerk of the Council.
