

TRINIDAD AND TOBAGO.

No. 12.—1916.

[L.S.]

I ASSENT,

S. W. KNAGGS,
Acting Governor.

6th May, 1916.

AN ORDINANCE relating to Corporal Punishment.

[6th May, 1916.]

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, 1916.

Limitation of power to award corporal punishment. 2.—(1.) Where in any Ordinance, past or future, it is provided that any person shall be liable to undergo corporal punishment, such punishment shall, if awarded, be in accordance with the provisions of this Ordinance.

(2.) No female shall be sentenced to undergo corporal punishment.

(3.) In any case where a person convicted is sentenced to undergo capital punishment, corporal punishment shall not be inflicted.

(4.) No person shall be sentenced to undergo corporal punishment more than once for the same offence.

3.—(1.) In every sentence in which corporal punishment is awarded, whether under the provisions of this Ordinance, or of any other Ordinance, present or future, the Court shall specify the number of strokes to be inflicted. Number of strokes that may be awarded.

(2.)—(a.) In cases of flogging, the number of strokes shall not exceed twenty.

(b.) In cases of whipping, the number of strokes shall not exceed six, where the offender is seven years of age and not more than twelve years of age, and the number of strokes shall not exceed twelve, where the age of the offender exceeds twelve years but does not exceed sixteen years.

(3.) Where an offender is convicted at one trial of two or more distinct offences, any two or more of which are legally punishable by corporal punishment, the combined sentences of flogging or whipping awarded by the Court shall not, as the case may be, exceed the number of strokes laid down in the preceding sub-section.

4. An offender sentenced to undergo corporal punishment may be detained in a prison or some other convenient place for such time as may be necessary for carrying the sentence into effect, or for ascertaining whether the same shall be carried into effect. Detention for punishment.

5. 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. Magistrates to send notes to Governor.

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

7. An offender not above the age of sixteen years on being convicted of any of the offences mentioned in Schedule I hereto, may, in lieu of any other punishment, be ordered to be whipped. Offences in Schedule I Offenders of 16 and under.

Offences in
Schedule II.

8. Where any person is convicted of any offence mentioned in Schedule II hereto, he may, in addition to any other punishment to which he is liable, be ordered:—

- (a.) If over the age of sixteen years, to be flogged;
- (b.) If of the age of sixteen years or under, to be whipped.

Time for
execution of
sentence.

9.—(1.) A sentence of flogging shall be carried into execution on a date to be fixed by the Governor, and a sentence of whipping at such time as the Court awarding the same shall direct; provided always that in no case shall a sentence of corporal punishment be executed after the expiration of six months from the passing of the sentence.

(2.) Subject to the proviso in the preceding Sub-section mentioned, the Governor may, as often as he shall think proper, alter the date for the execution of a sentence of flogging.

Instrument of
punishment.

10. 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.

Adminis-
tration of
punishment.

11.—(1.) No corporal punishment shall be inflicted publicly.

(2.) Subject to the provisions of the next succeeding sub-section, no corporal punishment shall be inflicted except within the walls of the prison within which the convict shall be imprisoned.

(3.) In the case of an offender of the age of sixteen years or under, the Court may order a sentence of whipping to be carried into effect in some other convenient place than a prison.

(4.) A sentence of flogging shall be carried into effect in the presence of the Medical Officer of the Prison or of some duly qualified medical practitioner.

(5.) Such Medical Officer or practitioner may in any case in which he considers the offender to be physically unfit to undergo the punishment, either before the flogging or after the partial execution of such sentence, interfere and by order in writing addressed to the Keeper of such prison direct the flogging or the remainder of such flogging to be suspended.

(6.) No persons other than such Medical Officer or practitioner shall be present when a sentence of flogging is carried into execution unless they are officially connected with the prison ~~or place~~ in which the corporal punishment is inflicted.

12. The Medical Officer or practitioner appointed to be present at the execution of a sentence of flogging shall, within two days thereafter, report to the Governor in writing the state and condition of the person so punished, and whether such punishment 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.

Medical
Officer's
report.

13. 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 the person sentenced to undergo flogging is imprisoned, altogether to remit any part of the flogging, or, subject to the provisions of Section 9 (1) of this Ordinance, to order the same to be inflicted on such other day as the Governor may see fit.

Governor
may remit
sentence.

14. The Corporal Punishment Ordinance (No. 107), the Corporal Punishment (Amendment) Ordinance (No. 241) and the Corporal Punishment (Amendment) Ordinance, 1914, are hereby repealed.

Repeal.

Passed in Council this Fourteenth day of April, in the year of Our Lord one thousand nine hundred and sixteen.

J. M. FARFAN,
Acting Clerk of the Council.

file 4/1919

SCHEDULE I.

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 58 and 59 of the Larceny Ordinance, (No. 15.)
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.

1. Any offence under Sections 2, 3, 4, 5, 6, 7, 8, 11, and 18 of the Malicious Injuries to Property Ordinance, (No. 16.)
 2. Any offence under Section 36 of the Offences against the Person Ordinance, (No. 14.)
 3. 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.
-
-