



TRINIDAD AND TOBAGO.

No. 1—1946.

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,

Governor.

9th January, 1946

AN ORDINANCE relating to the corporal punishment of offenders above the age of sixteen years.

[10th January, 1946.]

Commencement.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof, Enactment,

1. This Ordinance may be cited as the Corporal Punishment Ordinance, 1946. Short title.

2. Section 2 of the Corporal Punishment Ordinance, 1941, is hereby repealed. Repeal of section 2 of the Corporal Punishment Ordinance, 1941.

Power of Court to impose sentences of corporal punishment on offenders above the age of 16 years for certain offences.

3. Any male offender, above the age of sixteen years, on being convicted before the Supreme Court of any of the offences mentioned in the Schedule hereto, may be ordered by the Court to be flogged in addition to any other punishment to which he is liable.

Limitation of power to award corporal punishment.

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

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

Number of strokes that may be awarded.

5. (1) In every sentence of flogging the Court shall specify the number of strokes to be inflicted which shall not in any case exceed twenty.

(2) Where any offender is convicted at one trial of two or more distinct offences, any two or more of which are legally punishable with flogging, the combined sentences of flogging shall not exceed twenty strokes.

Whipping in lieu of flogging.

(3) The Court may in lieu of flogging order the offender to be whipped provided that the number of strokes shall not exceed twenty.

Determination of age.

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

Sentence to be carried out without delay.

7. A sentence of flogging shall be carried out as soon as may be practicable and shall in no case be carried out after the expiration of six months from the passing of the sentence.

Instrument of punishment.

8. The instrument to be used for carrying out a sentence of flogging shall be the ordinary cat-o-nine tails and for carrying out a sentence of whipping a rod of tamarind, birch or other switches or in either case such other instrument as the Governor may from time to time approve.

Administration of punishment.

9. (1) A sentence of flogging shall not be carried out in public but shall be carried out within the walls of the prison within which the offender shall be imprisoned.

(2) Every sentence of flogging shall be carried out in the presence of the Medical Officer of the prison or of some other duly qualified medical practitioner.

(3) 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.

(4) 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 in which the flogging is inflicted.

10. 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.

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 the person sentenced to undergo flogging is imprisoned, altogether to remit any part of the flogging, or, subject to the provisions of section 7, to order the same to be inflicted on such other day as the Governor may see fit. Governor may remit sentence.

12. This Ordinance shall expire on the 31st day of December, 1947: Provided that any sentence of corporal punishment imposed before the expiration of this Ordinance shall have effect as though this Ordinance had not expired. Duration of Ordinance.

SCHEDULE.

OFFENCES FOR WHICH AN OFFENDER MAY BE ORDERED TO BE FLOGGED.

- (1) Any offence involving violence wherein it is proved by the evidence adduced at the trial that the offender inflicted a wound with any firearm or any sharp cutting or pointed instrument whatsoever or any bottle or glass, whether broken or otherwise, likely to do any grievous bodily harm. Section 3.
- (2) Robbery with violence, or with aggravation.
- (3) Rape.
- (4) Any attempt to commit the offences specified in paragraphs (2) and (3) hereof.

Passed in Council this fourth day of January, in the year of Our Lord one thousand nine hundred and forty-six.

W. J. BOOS,
Clerk of the Council.