

No. 20—1941.

*Corporal Punishment.*

AN ORDINANCE to abolish the imposition by the Courts on offenders above the age of sixteen years of sentences of corporal punishment and to regulate the imposition and carrying out of such sentences on offenders not above the age of sixteen years.

Commencement.

[20th December, 1941.]

Short title.

1. This Ordinance may be cited as the Corporal Punishment Ordinance, 1941.

Abolition of sentences of corporal punishment on offenders above the age of sixteen years.

2. Notwithstanding any provision of law to the contrary, no sentence of corporal punishment shall, after the commencement of this Ordinance, be imposed by any Court on any offender who is above the age of sixteen years.

Power of Courts to impose sentences of corporal punishment on offenders not above the age of sixteen years.

Ch. 4. No. 21.

Number of strokes which may be awarded.

3. Any male offender not above the age of sixteen years may, subject to the provisions of section 80 of the Children Ordinance, be sentenced, in lieu of any other punishment, to be whipped: Provided that no person shall be sentenced to be whipped more than once for the same offence.

4. (1) In every sentence of whipping the Court shall specify the number of strokes to be inflicted which shall not exceed six when the offender is not above the age of twelve years, or twelve when the offender is above the age of twelve years.

(2) Where an offender is convicted at one trial of two or more distinct offences, any two or more of which are punishable with whipping, the combined sentences shall not exceed the maximum number of strokes specified in subsection (1) of this section.

Detention for punishment.

5. An offender sentenced to be whipped may be detained in such place or places as the Court may determine for such time as is necessary in order that sentence may be carried into effect.

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. Determination of age.

7. (1) Notwithstanding any provision of law to the contrary, a sentence of whipping shall be carried out as soon as may be practicable and, in cases in which an appeal lies from the conviction or sentence, without waiting for the expiration of the period allowed by law for lodging the appeal: Provided that where notice of appeal is given forthwith on conviction, the sentence shall not be carried out pending the determination of the appeal unless the appeal shall lapse or be abandoned. Sentence to be carried out without delay.

(2) No sentence of whipping shall be carried out after the expiration of one month from the passing of the sentence.

8. The instrument to be used for carrying out a sentence of whipping shall be a rod of tamarind, birch or other switches, or such other instrument as the Governor may from time to time approve. Instrument to be used.

9. (1) No sentence of whipping shall be carried out in public. Manner of carrying out sentence.

(2) Every sentence of whipping shall be carried out by a police constable in the presence of a commissioned officer of police and, if the parent or guardian of the offender shall desire to be present, of such parent or guardian.

(3) The carrying out of the sentence may be stopped at any time by direction of the commissioned officer of police who is present if, in the opinion of such officer, the offender shall not be in a fit condition to receive the balance of his sentence. In every such case the balance of the sentence shall be deemed to have been remitted.

(4) Save as provided in subsection (3) of this section, every sentence of whipping shall be carried out continuously until the prescribed number of strokes have been administered.

10. The Corporal Punishment Ordinance is hereby repealed: Provided that any sentence of corporal punishment imposed before the commencement of this Ordinance shall have effect as though this Ordinance had not been passed. Repeal. Ch. 4. No. 23.