

## CHAPTER 41.

## CORPORAL PUNISHMENT.

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## SECTION.

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## CHAPTER 41.

## CORPORAL PUNISHMENT.

12 of 1953.

**An Ordinance to Regulate the Infliction of Corporal Punishment.**

[17TH SEPTEMBER, 1953.]

Short title,

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

Interpreta-  
tion.

2. In this Ordinance unless the context otherwise requires—  
 “adult” means a person of the age of seventeen years or over;  
 “juvenile” means a person under the age of seventeen years.

No corporal  
punishment  
of adults  
except for  
certain prison  
offences.

3. Notwithstanding anything to the contrary contained in any law now in force, it shall not be lawful for any Court to order the infliction of corporal punishment on any adult:

Provided that, subject to section 7, nothing in this section contained shall render it unlawful for corporal punishment to be inflicted on a prisoner in accordance with the provisions of the Prisons Ordinance and of any rules made thereunder.

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\* The Prisons Ordinance was Cap. 180 of the 1946 Edition. It is to be repealed and replaced and has been omitted from this Edition.

4. Where under this Ordinance or any other Ordinance or law now in force or hereafter in force it is provided that any person shall be liable to undergo corporal punishment, such punishment shall, if awarded to a juvenile, be in accordance with the provisions of this Ordinance.

Restriction of corporal punishment of juveniles.

5. When any juvenile has been convicted of any offence under any Ordinance or law now or hereafter in force, other than an offence punishable with death, it shall be lawful for the Court by which such juvenile has been convicted to order corporal punishment in lieu of any other punishment which may lawfully be inflicted upon him for such offence.

Corporal punishment of juveniles in lieu of other punishments.

6. In determining the age of any offender for the purpose of deciding whether or not to order the infliction of corporal punishment under this Ordinance or any other Ordinance or law, the Court may, in the absence of direct evidence of age, adjudge such age according to the appearance of the offender.

Determination of age.

7. No sentence of corporal punishment shall be passed upon any—

Exemptions.

- (a) female;
- (b) person sentenced to death;
- (c) person over the age of forty-five years.

8. The Court ordering the infliction of corporal punishment upon a juvenile shall in every case specify the number of strokes to be administered. The number of strokes which may be ordered in any such case, whether for one or more distinct offences shall not exceed twelve.

Maximum for juveniles.

9. No sentence of corporal punishment shall be carried out—

Limitations as to time.

- (a) in instalments; or
- (b) within fourteen days of the infliction on the same person of any previous corporal punishment in terms of this or any other Ordinance or law.

10. A sentence of corporal punishment shall be carried into effect without unnecessary delay and shall in no case be carried into effect after the expiration of six months from the passing of such sentence.

When sentence to be carried out.

Detention  
pending  
punishment.

11. A juvenile sentenced to undergo corporal punishment may be detained in prison, or in such other place as the Court may order, for such time as may be necessary for carrying the sentence into effect.

Type of  
instrument  
and manner  
of use.

12. Where a sentence of corporal punishment is passed on a juvenile by any Court, no instrument other than a birch rod or cane of the diameter of half an inch or less shall be used for the infliction of such punishment, and such instruments shall not be applied to any part of the body of such juvenile other than to his buttocks.

Punishment  
to be in  
private.

13. The infliction of corporal punishment on any juvenile in terms of the order of any Court shall be carried out in private—

(a) if in the Colony, by a Constable in the presence of a Police Officer not below the rank of Assistant Superintendent and a Medical Officer;

(b) if in the Protectorate, by a constable in the presence of an Administrative Officer and a Medical Officer or qualified dispenser:

Provided that irrespective of whether such punishment is inflicted in the Colony or in the Protectorate, the parent or guardian of such juvenile shall have the right to be present while such punishment is being administered:

Provided further that no such punishment shall be inflicted unless a Medical Officer or qualified dispenser, as the case may be, considers that the juvenile is in a fit condition to receive such punishment.

Rules.

14. It shall be lawful for the Governor in Council to make rules from time to time for the better carrying out of the provisions of this Ordinance.