

THE FLOGGING REGULATION ACT

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THE FLOGGING REGULATION ACT

Cap. 131.

[21st March, 1903.]

1. This Act may be cited as the Flogging Regulation Act. Short title.

2. When a person is convicted of any offence legally punishable by flogging, the sentence awarded by the Court for such offence shall not, anything in any law of this Island to the contrary notwithstanding, exceed the number of twenty-four strokes in the case of adults, and twelve strokes in the case of juvenile offenders, and the number of strokes shall be stated by the Court in such sentence. Limitation of strokes.

3. When a person is convicted at one trial of any two or more distinct offences, any two or more of which are legally punishable by flogging, the combined sentences awarded by the Court for any such offences shall not, anything in any law of the Island to the contrary notwithstanding, exceed a total number of twenty-four strokes in the case of adults, and twelve strokes in the case of juvenile offenders. Combined sentences at one trial.

4. When any sentence of flogging shall be passed by the lawful authority upon any prisoner for breach of any prison or other regulation, the total number of strokes to be inflicted under such sentence shall not exceed twenty-four in the case of adults, and twelve in the case of juvenile offenders; and no prisoner shall be liable to more than one such sentence in respect of the acts or omissions in respect of which he shall have been sentenced as aforesaid. Sentences for breach of prison regulations, etc.

Instrument. 5. No sentence of flogging shall be carried out except with an instrument approved by the Minister.

Punishment to be inflicted in presence of surgeon. 6.—(1) The punishment of flogging shall never be inflicted except in the presence of the surgeon of the prison in which the prisoner is at the time confined; and such surgeon is hereby required to attend thereat, or, in his absence, some other duly qualified medical practitioner, who are respectively hereby empowered to interpose after partial execution of the sentence of flogging, and to direct the postponement of the remainder thereof until such time as the convict may be able to undergo the same.

(2) Every person shall be flogged in the prison in which he is confined.

Surgeon to report to Governor-General. 7. The surgeon or medical practitioner present at every such flogging punishment shall, within seven days after every infliction, or any part thereof, furnish a report to the Governor-General of the state and condition of the prisoner, so punished, and whether the punishment has been fully or partially, or to what extent, inflicted.

Governor-General may postpone or remit punishment. 8. The Governor-General shall, if he thinks fit, under the circumstances of any case, direct a further postponement or altogether remit the remainder of such punishment, by order to such effect respectively to the Superintendent or gaoler, who, and all others whom it may concern, shall be governed thereby accordingly.

Females. 9. In no case shall a sentence of flogging be passed upon a female, either by the Courts, or in the prisons of the Island.

Interpretation. 10.—(1) In this Act—
“adult” means a person over the age of sixteen years;

“juvenile offender” means a person under that age.

(2) The Court or prison authority legally awarding Evidence. the punishment of flogging shall, in the absence of evidence satisfactory to such Court or person in authority, as to the actual age of the person upon whom such punishment is to be inflicted, be entitled to decide summarily that such person is either an adult, or juvenile offender, and to direct the number of lashes or strokes accordingly.