



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.09

CORPORAL PUNISHMENT ACT

Revised Edition

showing the law as at 31 December 2002

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CORPORAL PUNISHMENT ACT

Act 1 of 1967 ... in force 22nd February 1967

Amended by: Act 35 of 1976

Page

3

CHAPTER 3.09
CORPORAL PUNISHMENT ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Whipping of juveniles
4. Flogging or whipping of adults
5. Corporal punishment in prisons
6. Method of inflicting corporal punishment
7. Exercise of authority by Governor-General

SCHEDULE

CHAPTER 3.09

CORPORAL PUNISHMENT ACT

AN ACT TO MAKE PROVISION FOR CORPORAL PUNISHMENT; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires—

“adult” means any male person who, in the absence of direct evidence to the contrary, is, in the opinion of the Court, sixteen years or over;

“Governor-General” means the Officer for the time being exercising the executive authority in Saint Christopher and Nevis on behalf of Her Majesty the Queen;

“juvenile” means any male person who, in the absence of direct evidence to the contrary, is, in the opinion of the Court, under sixteen years.

Whipping of juveniles.

3. (1) The Court may, upon the conviction of a juvenile for any offence committed by him, *in lieu* of or in addition to any other punishment which may be lawfully imposed on such juvenile, impose a sentence of whipping, and in any such case the instrument to be used for carrying out the sentence shall be a rod of tamarind and the number of strokes which may be ordered to be inflicted shall not exceed twelve.

(2) A juvenile sentenced to be whipped may be detained in such place as the Court may determine for such time as is necessary in order that such sentence may be carried into effect.

(3) No such punishment shall be inflicted except in the presence of, and unless the person to be punished is examined by a duly qualified medical practitioner and certified by the medical practitioner to be capable of sustaining such punishment.

Flogging or whipping of adults.

4. (1) The Court, upon the conviction of an adult for an offence under any of the enactments set out in the Schedule to this Act, may, in addition to any other punishment which may be lawfully awarded, sentence the offender to be once privately flogged or whipped, and the number of strokes, which in any case shall not exceed eighteen in number, and the instrument with which they shall be inflicted, shall be specified by the Court in the sentence.

(2) A person sentenced to be flogged or whipped by virtue of this section may be detained in such place as the Court may determine for such time as is necessary in order that such sentence may be carried into effect.

(3) No such punishment shall be inflicted except in the presence of, and unless the person to be punished is examined by a duly qualified medical practitioner and certified by him or her to be capable of sustaining such punishment.

(4) Before any sentence of flogging or whipping under this section shall be carried into effect, the trial Judge shall first make a report in writing to the Governor-

General setting out briefly the facts of the case and his or her reasons for specifying the number of strokes and the type of instrument.

(5) Upon receipt of the report from the trial Judge the Governor- General may confirm the sentence of flogging or whipping or may order that a lesser number of strokes should be inflicted or that they be inflicted with a milder form of instrument, or he or she may order that the sentence of flogging or whipping shall not be carried into effect, and the order of the Governor-General in the matter shall be transmitted in writing to the Superintendent of Prisons who shall carry out the order notwithstanding that such order conflicts with the sentence of the Court.

Corporal punishment in prisons.

5. (1) Except in carrying out the sentence of the Court as in sections 3 and 4 of this Act provided, or save in the case of the undermentioned offences against prison discipline committed by a male person serving a sentence of imprisonment and for which corporal punishment is authorised by Rules made under the Prisons Act, Cap. 19.08, that is to say—

- (a) mutiny;
- (b) incitement to mutiny;
- (c) gross personal violence to an officer of a prison,

corporal punishment shall not be inflicted in any prison.

(2) Whenever corporal punishment is ordered to be inflicted for offences against prison discipline, the instrument to be used in carrying out the punishment shall be such as the Governor-General may approve and the number of strokes which may be ordered to be inflicted shall not exceed twenty-four.

Method of inflicting corporal punishment.

6. In any case in which the cat-o'-nine tails shall be approved by the Governor-General, it shall be applied to the back of the person to be punished, and where the rod of tamarind is approved it shall be applied to the buttocks of the person.

Exercise of authority by Governor-General.

7. The powers of the Governor-General under this Act shall be exercised by him or her in accordance with the advice of such Minister as may be designated by him or her, acting in accordance with the advice of the Prime Minister.

SCHEDULE

(Section 4(1))

Section 3 of the Criminal Law Amendment Act, Cap. 4.05;

Sections 5, 12, 31, 32, 33 of the Larceny Act, Cap. 4.16;

(Amended by Act 35 of 1976)

Sections 17, 20, 27, 28, 46 of the Offences against the Person Act, Cap. 4.21.
