

Corporal Punishment

CHAPTER 41
CORPORAL PUNISHMENT ACT
No. 12 of 1953

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title.
2. Interpretation.
3. No corporal punishment of adults except for certain prison offences.
4. Restriction of corporal punishment of juveniles.
5. Corporal punishment of juveniles in lieu of other punishments.
6. Determination of age.
7. Exemptions.
8. Maximum for juveniles.
9. Limitations as to time.
10. When sentence to be carried out.
11. Detention pending punishment.
12. Type of instrument and manner of use.
13. Punishment to be in private.
14. Rules.

CHAPTER 41
CORPORAL PUNISHMENT ACT

An Act to Regulate the Infliction of Corporal Punishment.

[17TH SEPTEMBER, 1953]

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 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	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

prison offences

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 Act and of any rules made thereunder.

Restriction of corporal punishment of juveniles

4. Where under this Act or any other Act 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 Act.

Corporal punishment of juveniles in lieu of other punishments

5. When any juvenile has been convicted of any offence under any Act 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.

Determination of age

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 Act or any other Act or law, the Court may, in the absence of direct evidence of age, adjudge such age according to the appearance of the offender.

Exemptions

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

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

Maximum for juveniles

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.

Limitations as to time

9. No sentence of corporal punishment shall be carried out

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

When sentence to be carried out

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.

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 instrument 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 by a constable in the presence of either a Police Officer not below the rank of Assistant Superintendent, or an Administrative Officer, and a Medical Officer, and the parent or guardian of the juvenile shall have the right to be present thereat. Provided that no corporal punishment shall be inflicted unless a Medical Officer considers that the juvenile is in a fit condition to receive such punishment.

Rules

14. It shall be lawful for the President to make rules from time to time for the matter carrying out of the provisions of this Act