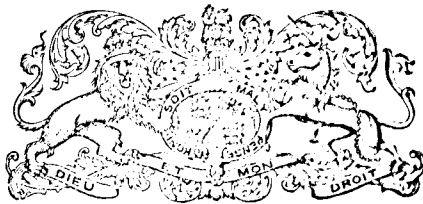


WESTERN PACIFIC HIGH COMMISSION.

No. 4 of 1924



[L.S.]

T. E. FELL,

Acting High Commissioner.

March 28th, 1924.

KING'S REGULATION

RELATING TO CORPORAL PUNISHMENT.

Made by His Britannic Majesty's High Commissioner for the Western Pacific under the provisions of the Pacific Order in Council 1893.

In the name of His Majesty GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India.

1. This Regulation may be cited as the Corporal Punishment Regulation 1924. SHORT TITLE.

2.—(1) Where in any law or Regulation 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 be in accordance with the provisions of this Regulation. LIMITATION OF POWER TO AWARD CORPORAL PUNISHMENT.

(2) No female shall be sentenced to undergo corporal punishment.

(3) In any case where a person convicted is sentenced to undergo capital punishment corporal punishment shall not be inflicted.

(4) No person shall be sentenced to undergo corporal punishment more than once for the same offence.

3.—(1) In every sentence in which corporal punishment may be awarded under the provisions of any law or Regulation now in force or hereafter in force the Court shall specify the number of strokes to be inflicted. NUMBER OF STROKES

(2)—(a) In cases of flogging the number of strokes shall not exceed twenty-one unless otherwise limited to a less number of strokes by the law or Regulation under which corporal punishment is awarded.

(b) In cases of whipping the number of strokes shall not exceed six where the offender is not more than twelve years of age and the number of strokes shall not exceed twelve where the age of the offender exceeds twelve years but does not exceed sixteen years.

(3) Where an offender is convicted at one trial of two or more distinct offences any two or more of which are legally punishable by corporal punishment the combined sentences of flogging or whipping awarded by the Court shall not as the case may be exceed the number of strokes laid down in the preceding subsection.

DETENTION FOR PUNISHMENT.

4. An offender sentenced to undergo corporal punishment may be detained in a prison or some other convenient place for such time as may be necessary for carrying the sentence into effect or for ascertaining whether the same shall be carried into effect.

DEPUTY COMMISSIONERS TO SEND NOTES TO RESIDENT COMMISSIONER.

5. In every case in which an offender has been sentenced by a Deputy Commissioner to be flogged the Deputy Commissioner shall forthwith forward his notes of the evidence together with any remarks that he may desire to make on the subject to the Resident Commissioner who may in any such case remit the whole or any part of the flogging or may at his discretion order the offender to be whipped instead of being flogged though such offender may be sixteen years of age or over.

DETERMINATION OF AGE.

6. In determining the age of an offender for the purposes of this Regulation the Court may in the absence of direct evidence of age adjudge such age according to the appearance of the offender.

OFFENCES PUNISHABLE BY FLOGGING OR WHIPPING.

7. Where under any law or Regulation now in force or hereafter in force any person on conviction may be awarded corporal punishment the Court awarding such punishment may order him:—

- (a) if sixteen years of age or over to be flogged;
- (b) if under sixteen years of age to be whipped.

TIME FOR EXECUTION OF SENTENCE.

8. A sentence awarding corporal punishment shall be carried into execution without undue delay provided always that in no case shall a sentence of corporal punishment be executed after the expiration of six months from the passing of the sentence.

INSTRUMENT OF PUNISHMENT.

9. In every case of flogging the instrument used shall be the ordinary cat-o'-nine-tails, and in every case of whipping the instrument used shall be a tamarind rod or light cane or birch or other switch. Provided always that no sentence of corporal punishment shall be carried out except with an instrument of a pattern approved by the High Commissioner.

ADMINISTRATION OF PUNISHMENT.

10.—(1) No corporal punishment shall be inflicted publicly.

(2) Subject to the provisions of the next succeeding subsection no corporal punishment shall be inflicted except within the walls of the prison within which the offender shall be imprisoned.

(3) In the case of an offender under the age of sixteen years the Court may order a sentence of whipping to be carried into effect by a constable in some convenient place other than a prison in the presence of an European officer of the Armed Constabulary or in the event of there being no such officer stationed in the district then in the presence of the senior non-commissioned officer in charge and also in the presence if he desires to be present of the parent or guardian of the offender.

(4) A sentence of flogging shall be carried into effect in the presence of the Medical Officer of the prison or of some duly qualified medical practitioner.

(5) Such Medical Officer or practitioner may in any case in which he considers the offender to be physically unfit to undergo the punishment either before the flogging or after the partial execution of such sentence interfere and by order in writing addressed to the Superintendent or Officer in charge of the prison direct the flogging or the remainder of such flogging to be suspended.

(6) No persons other than such Medical Officer or practitioner shall be present when a sentence of flogging is carried into execution unless they are officially connected with the prison or place in which the corporal punishment is inflicted.

11. The Medical Officer or practitioner appointed to be present at the execution of a sentence of flogging shall within two days thereafter report to the Resident Commissioner in writing the state and condition of the person so punished and whether such punishment has been inflicted fully or partially and if partially to what extent and if he has interfered to prevent the execution or completion of the punishment directed the grounds on which he has so interfered.

MEDICAL OFFICER'S REPORT.

12. It shall be lawful for the Resident Commissioner on the receipt of such report if he shall see fit by order in writing addressed to the Superintendent or officer in charge of the prison where the person sentenced to undergo flogging is imprisoned to remit altogether the flogging or any part thereof or subject to the provisions of section eight of this Regulation to order the same to be inflicted on such other day as the Resident Commissioner may see fit.

RESIDENT COMMISSIONER MAY REMIT SINCE.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-eighth day of March one thousand nine hundred and twenty-four.

By Command,

H. G. PILLING,

Acting Secretary to His Britannic Majesty's High Commissioner for the Western Pacific.

Suva, Fiji: Printed by S. BACH.

Printer to the Government of His Britannic Majesty's High Commission for the Western Pacific.

[Price, 1s.]

1924.

28424-580