

THE CRIME (PREVENTION OF) ACT

Cap. 305.
Acts
42 of 1963,
9 of 1972
Sch.,
12 of 2009
3rd Sch.

[29th July, 1942.]

1. This Act may be cited as the Crime (Prevention of) Act.

Short title.

2. In this Act—

Interpreta-
tion.

“child”, means a person whose age, in the opinion of the court, does not exceed fourteen years;

“flogging”, means corporal punishment administered with a cat-o’-nine-tails;

“whipping”, means corporal punishment administered with a tamarind switch.

3. Notwithstanding anything contained in any enactment, any male person who, on or after the date of the coming into operation of this Act, is convicted before any court of any of the following offences—

Corporal
punishment
for certain
offences.
28/1970
S. 3.

(a) an offence under section 3 or section 4, or section 5 or section 10 or section 13 of the Sexual Offences Act, or under section 37 or section 39 or section 40 of the Larceny Act;

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(b) an offence against a female or a child—

(i) on an indictment for common assault; or

(ii) under section 39 or section 40 of the Offences Against the Person Act; or

(iii) under section 19 of the Larceny Act;

(c) an attempt to commit any offence referred to in paragraphs (a) or (b) or of aiding, abetting, counselling, procuring, or inciting, the commission of any

such offence, whether or not such offence was committed;

- (d) an offence under section 20, or section 22, or section 36, of the Offences against the Person Act where any such offence arose out of, or was connected with, any offence referred to in paragraph (a), (b) or (c),

shall, on such conviction, be liable, in addition to or in lieu of any other punishment provided by law, to be sentenced by the court to be once privately flogged or to be once privately whipped, and the number of lashes or strokes, as the case may be, which shall be inflicted shall be specified by the court in the sentence:

Provided that no person who is under sixteen years of age on the date of his conviction shall be sentenced to be flogged.

Power of
Minister to
approve
instruments
and give
directions.

4.—(1) The instruments to be used for flogging and whipping respectively under this Act, namely, the cat-o'-nine-tails and the tamarind switch, shall be of a pattern from time to time approved by the Minister.

(2) Flogging and whipping shall be inflicted on such part of the person as the Minister may from time to time generally direct.

(3) The provisions of the Flogging Regulation Act shall apply to every flogging and whipping carried out under this Act:

Provided that where the provisions of this Act conflict with any of the provisions of the Flogging Regulation Act, the provisions of this Act shall prevail.

(4) Every person sentenced to be flogged or whipped under this Act shall be flogged or whipped, as the case may be, either in the prison in which he is confined, or at a police station.

5.—(1) Every person sentenced under this Act to be flogged or whipped may be detained in custody in a prison or other convenient place for such time as may be necessary for carrying the sentence into effect, or for ascertaining whether the sentence is to be carried into effect.

Dentention
for purposes
of corporal
punishment.

(2) In any case where a person has been sentenced under this Act to be flogged or whipped and it has not, for any lawful reason, been possible to carry out such sentence either wholly or partially, such person shall be detained in custody, and shall as soon as possible be taken before the court which passed such sentence, and such court may, in its discretion, remit the sentence of flogging or whipping, and in lieu thereof (or in lieu of so much of the sentence of flogging or whipping as was not carried out) may—

Substituted
sentence.

- (a) sentence the offender to any term of imprisonment to which the offence for which he was convicted rendered him liable; or
- (b) increase any sentence of imprisonment already imposed for such offence:

Provided that nothing in this subsection shall be deemed to authorize any court to inflict imprisonment for any term or terms in excess of the imprisonment to which the offender is liable by law or which the court has jurisdiction to inflict.

6. Every court, other than the Supreme Court, shall at the end of each month make a written report to the Attorney-General, in such form as he may require, as to the number of cases in which sentences of corporal punishment have been imposed during the month under the provisions of this Act.

Monthly
reports