

BILL No. 13 OF 1957.
THE CRIMINAL JUSTICE BILL, 1957.
ARRANGEMENT OF SECTIONS.

Section

- 1. Short title.
- 2. Abolition of penal servitude and hard labour.
- 3. Transitional provisions.
- 4. Consequential amendments.

SCHEDULE

A BILL

INTITULED

AN ORDINANCE TO ABOLISH PENAL SERVITUDE AND IMPRISONMENT WITH HARD LABOUR.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Criminal Justice Ordinance, 1957.

Short title.

2. (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Ordinance.

Abolition of penal servitude and hard labour.

(2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Ordinance; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

3. (1) Any person who, immediately before the commencement of this Ordinance was undergoing or liable to undergo a term of penal servitude under a sentence passed by a court or as a condition of any pardon granted by the Governor on behalf of Her Majesty for an offence for which he was sentenced to death or in consequence of the forfeiture or revocation of any licence granted under the Convicts Licences Ordinance, shall if he is or ought to be in custody in the Colony at the commencement of this Ordinance be treated thereafter as if he had been sentenced to, or were undergoing or liable to undergo, imprisonment and not penal servitude for that term.

Transitional provisions.

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(2) Any person who has been sentenced to imprisonment with hard labour for a term which has not expired at the commencement of this Ordinance shall, for the remainder of that term be treated as though he had been sentenced to imprisonment without hard labour; but nothing in this subsection shall affect any disability or disqualification attaching to him by virtue of his sentence.

4. The Ordinances specified in the second column of the schedule to this Ordinance are hereby amended to the extent shown in the third column of the said schedule.

Consequential amendments.

SCHEDULE

Section 4.

Chapter	Short title	Extent of amendment
5	The Interpretation Ordinance ..	By the repeal of section 35.
10	The Criminal Law (Offences) Ordinance	(a) In section 11, by the deletion of the words "penal servitude" from the punishments specified; and (b) by the repeal of section 18.
14	The Summary Jurisdiction (Offences) Ordinance ..	By the repeal of section 16.

OBJECTS AND REASONS

This Bill seeks to abolish penal servitude and imprisonment with hard labour as recommended by Mr. Fairn at paragraph 4 of his report on prison administration in the Colony, dated 16th August, 1956.

2. Penal servitude and imprisonment with hard labour belong to an age of retributive punishment, when punishment was designed primarily to cause physical and mental suffering. These forms of punishment have no place in modern penal administration, and in fact have been of no practical effect in the Colony for many years. It is sufficient, therefore, that an offender may be sentenced to imprisonment when he will be dealt with and put to such labour as will contribute to his rehabilitation.

3. Clause 2 of the Bill seeks to abolish penal servitude and imprisonment with hard labour and is based on section 1 of the Criminal Justice Act, 1948, of the United Kingdom. Clause 3 makes provision for persons undergoing these forms of punishment at the time of the coming into force of the Bill, and is similarly based on the relevant provisions of the United Kingdom Act.

4. Clause 4 seeks to effect consequential amendments to the Interpretation Ordinance, the Criminal Law (Offences) Ordinance and the Summary Jurisdiction (Offences) Ordinance.

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(L. 94/66)
(Leg. Bill 13/57).
25th April, 1957.