

**ABOLITION OF CAPITAL AND CORPORAL PUNISHMENT ACT
1999**



**BERMUDA
1999 : 51**

**ABOLITION OF CAPITAL AND CORPORAL PUNISHMENT ACT
1999**

[Date of Assent 23 December 1999]

[Operative Date 23 December 1999]

WHEREAS it is expedient to amend the Criminal Code to abolish capital and corporal punishment as penalties that may be imposed by a court for an offence and to make consequential amendments to other enactments:

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:—

Citation

1 This Act may be cited as the Abolition of Capital and Corporal Punishment Act 1999.

Abolition of capital punishment as a penalty for any offence

2 With effect from the date of commencement of this Act, no person shall suffer capital punishment as a penalty that may be imposed by a court for any offence.

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Abolition of corporal punishment as a penalty for any offence

3 With effect from the date of commencement of this Act, no person shall suffer corporal punishment as a penalty that may be imposed by a court for any offence.

Consequential amendments

4 The provisions of the enactments specified in column 1 and described in column 2 of the Schedule are amended in the manner respectively specified in column 3 of the Schedule.

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	SCHEDULE	(section 4)
COLUMN 1 ENACTMENT AND PROVISIONS THEREOF	COLUMN 2 DESCRIPTION OF SUBJECT MATTER	COLUMN 3 AMENDMENT
<u>Criminal Code Act 1907</u>		
Proviso to section 47	Acts done in resistance to violence	Delete paragraph (a) and the word "or".
Proviso to section 48	Acts done for purpose of self-preservation	Delete paragraph (a) and the word "or".
Section 49(2)	Compulsion of husband	Delete "an offence punishable with death" and substitute "premeditated murder".
Section 53(a)	Imposition of death as a kind of punishment	Delete.
Section 53(d)	Imposition of whipping as a kind of punishment	Delete.
Section 54(d)	Recognizance as alternative to imprisonment	Delete "not punishable with death".
Section 55	Punishment of death	Delete.

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Section 59	Restriction in respect of persons upon whom the punishment of whipping may be administered	Delete.
Section 60	Administration of sentences of whipping	Delete.
Section 63(1)	Absolute and conditional discharge	Delete "(not being an offence punishable with death)".
Section 65(1)	Probation orders	Delete "not being an offence punishable with death but".
Section 74	Effect of endurance of punishment	(1) Delete from the section heading "not capital". (2) Delete "not punishable with death".
Section 76	Punishment for felony where no special punishment provided	Delete "not punishable with death".
Section 82	Treason	Delete "the punishment of death" and substitute "imprisonment for life without eligibility for release

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		on licence until the person has served twenty-five years of the sentence".
Proviso to section 120(1)	Punishment of perjury	Delete "with death or".
Proviso to section 127(2)	Conspiring to bring false accusation	Delete "to death or".
Section 135	Release from lawful custody	(1) In subsection (1) insert after "felony" the words "and is liable to imprisonment for life". (2) Delete subsections (2) and (3).
Section 138	Police officer wilfully permitting escape	(1) In subsection (1) insert after "felony" the words "and is liable to imprisonment for life". (2) Delete subsections (2) and (3).
Section 159	Punishment of piracy	Delete the proviso and substitute a period for the colon after "life".

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Section 160	Attempted piracy with personal violence	Delete "the punishment of death" and substitute "imprisonment for life".
Section 183(1)	Intercourse with a woman suffering from severe mental impairment	Delete "with or without whipping".
Section 184(1)	Procuring or attempting to procure a woman or girl under 21 for immoral purposes	Delete ", with or without whipping".
Section 185(1)	Procuring or attempting to procure unlawful carnal knowledge of a woman or girl by threats or other means.	Delete ", with or without whipping".
Section 186(1)	Living on the earnings of prostitution	Delete ", with or without whipping".
Proviso to section 187(1)	Exercising control over a woman or girl with a view to her prostitution	Delete ", with or without whipping".
Section 198(3)	Acts of indecency involving young children	Delete "with or without whipping".
Section 242(2)	Use of force by police officer in preventing escape from arrest	Delete "death or" where it secondly appears.
Section 286A(2)	Premeditated murder	Delete "death" and substitute "imprisonment for life without

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		eligibility for release on licence until the person has served twenty-five years of the sentence".
Section 289	Attempted murder	Delete the semi-colon next after "years" and every word next following that word.
Section 310	Assault on a police officer, customs officer or other officer	Delete ", with or without whipping".
Section 345(1) and the proviso to that subsection	Robbery	Delete ", with or without whipping".
Section 346(1)	Assault with intent to rob	Delete "with or without whipping".
Proviso to section 346(1)	Assault with intent to rob	Delete ", with or without whipping".
Section 347	Stealing in a dwelling house and putting any person in fear	Delete ", with or without whipping".
Section 348	Demanding property with menaces with intent to steal	Delete ", with or without whipping".
Section 349	Demanding property with written threats	Delete ", with or without whipping".
Section 350(2), (3) and (4)	Attempts at extortion by threats	Delete ", with or without whipping".

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Section 350(2)(a)	Attempts at extortion by threats	Delete and substitute the following — "(a)is of an offence for which the punishment of imprisonment for four years may be imposed; or".
Section 353(1)	Specified offences for purposes of punishment of certain offences	Delete.
Section 354(1)	Housebreaking	Delete every word next after "years" and substitute a period.
Section 354(2)	Burglary	Delete ", with or without whipping".
Section 355	Entering a dwelling house with intent to commit a felony	Delete every word next after "five years" to and including "imprisonment".
Proviso to section 355	Entering a dwelling house with intent to commit a felony	Delete ", with or without whipping".
Section 356	Breaking buildings and committing a felony therein	Delete every word next after "seven years," and substitute a period.

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Section 358(1)	Breaking and entering a place of worship	Delete every word next after "seven years," and substitute a period.
Section 550	Recording sentence of death	Delete.
Section 553	Sentence on pregnant woman convicted of offence punishable with death	Delete.

**Criminal Appeal Act
1952**

Section 7(5)	Time for giving notice of appeal against a sentence of whipping by a court of summary jurisdiction being a Children's Court	Delete.
Proviso to section 8(1)	Extension of time for appeal not to apply to a person sentenced by a Children's Court under section 7(5)	(1) Delete the semi-colon immediately preceding the proviso and substitute a period. (2) Delete the proviso.
Section 11(2)(d)(iii) and 11(2)(d)(iv)	Effect of giving notice of appeal on a sentence of whipping	(1) Insert "and" next after the semi-colon in sub-paragraph (iii). (2) Delete sub-paragraph (iv).

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**Court of Appeal Act
1964**

Section 29	Waiting period in respect of sentences of death or corporal punishment	Delete.
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Prisons Act 1979

Section 6(a)	Sentence of death in respect of persons who may be received and detained in prisons	Delete.
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Section 6(q) and (r)	Corporal punishment in respect of persons who may be received and detained in prisons	Delete.
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Section 8(2)(a)	Treatment of particular classes of prisoners under prison rules	Delete.
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Section 23	Execution of sentence of death	Delete.
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Prison Rules 1980

Rule 21	Record of death of prisoner	Delete "(other than in respect of a prisoner upon whom sentence of death has been executed)".
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Rule 115	Reports in respect of untried prisoners charged with an offence punishable with death	Delete.
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Rule 116	Reports in respect of untried prisoners charged with an offence punishable with corporal punishment	Delete.
Rule 118	Rules in respect of appeals to the Supreme Court, the Court of Appeal or Her Majesty-in-Council	Delete "death or to" and "or to corporal punishment".
Rules 127, 128 and 129	Prisoners under sentence of death	Delete.
Part VI	Execution of sentences of death or corporal punishment	Delete.
Rules 152, 153 and 154	Execution of sentences of death	Delete.
Rules 155, 156, 157 and 158	Execution of sentences of corporal punishment	Delete.

**Senior Training
School Rules 1951**

Rule 32(2) and (3)

Reference of report of certain offences to the Board for investigation

Delete and substitute—

" (2)The Board shall, as soon may be, investigate the report and after such investigation may impose such one or more of the punishments upon

the inmate as may lawfully be imposed under section 67 of the Young Offenders Act 1950."

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Rule 34	Medical certificate of fitness for punishment	Delete "Corporal punishment, confinement" and substitute "Confinement".
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**Young Offenders Act
1950**

Section 5	Restriction on sentence of death of person under 18	Delete.
Section 9(1)	Jurisdiction of Children's Courts and Supreme Court in charges against children	(1) Delete paragraph (a) and substitute— "(a)a charge of murder; or". (2) Delete "or other offence punishable with death as aforesaid".
Section 16(h)	Male child convicted of an offence punishable with imprisonment may be whipped	Delete.
Proviso to section 23(3)(b)	Breach of probation order	Delete "or is punishable with whipping" and "or to be whipped".
Proviso to section 24(3)(b)	Commission of further offence after conditional discharge or probation order	Delete "or is punishable with whipping" and "or to be whipped".

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Section 28	Imposition of a sentence of whipping on a child	Delete.
Section 43	Corrective training	Delete subsection (2) and in subsection (3) delete "Subject as aforesaid, where" and substitute "Where".
Section 44	Removal to senior training school	(1) Delete the colon immediately preceding the proviso and substitute a period. (2) Delete the proviso.
Section 67(3)	Punishment of offences against senior training school rules	Delete "Without prejudice to anything in section 68 (which relates to the imposition of corporal punishment on inmates of a senior training school), and subject" and substitute "Subject".
Section 67(4)	Punishment of offences against senior training school rules	Delete "Without prejudice to anything in section 68, senior" and substitute "Senior".

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Section 68	Corporal punishment for offences against senior training school rules	Delete.
Section 81	Prohibition from inflicting corporal punishment on a female young offender	Delete.