

**Rodrigues Court (Execution of Judgments) (Amendment) Regulations, 1961**

**GN No. 22 of 1961**

8th April

**Regulations made by the Governor in Council under sections 157 and 158 of the Courts Ordinance**

1. These Regulations may be cited as the Rodrigues Court (Execution of Judgments) (Amendment) Regulations, 1961.

2. In these regulations, unless the context otherwise requires-

"Court" means the Court of Rodrigues.

"Employment" means employment outside a prison on an allotted amount of public work, being public work of such a nature as is prescribed in regulation 12 of these regulations, and "employ" has a corresponding meaning.

"Fine" includes costs, except when costs are decreed against a person sentenced to imprisonment without a fine.

"Magistrate" means the Magistrate and Civil Commissioner of Rodrigues.

"Supervisor" means-

(a) Any overseer or foreman of the Public Works Department or of the Forest Department, posted in Rodrigues ; or

(b) Any other person appointed as such by the Magistrate for the purpose of allotting work to, and supervising the work of, persons employed under the provisions of these regulations.

3. (1) Notwithstanding the provisions of any law to the contrary, but, subject to the provisions of these regulations, a person who has been sentenced to pay a fine, if such fine or any part thereof remains unpaid, and a person who is sentenced for the first time to imprisonment, other than for non-payment of a fine, for a term not exceeding three months, shall, if the Magistrate in his discretion so orders, be employed for the number of days during which he would have had to undergo imprisonment if he had not been so employed.

(2) The provisions of this regulation shall not apply to any person who-

(a) is sentenced to pay a fine if the Magistrate is satisfied that he has the means to pay such fine ; or

(b) has on no less than two previous occasions been ordered to be employed under the provisions of these regulations.

4. The warrant ordering the employment of a person under these regulations shall be, as nearly as possible, in the form set out in the First Schedule to these regulations, subject to such modifications or adaptations as may be necessary. Such warrant shall signed by the Magistrate and shall be addressed to a supervisor.

5. If a Magistrate has reasonable grounds to believe that found unfit person, against whom a warrant for employment may be issued under these regulations, is physically unfit for employment, shall cause such person to be medically examined, and if such person is found unfit for employment, the Magistrate shall not issue a warrant for his employment but shall issue a warrant for the imprisonment of such person in accordance with the provisions of the law relating to execution of judgment in criminal matters.
6. The Magistrate shall, on the application of a person against apply for whom a warrant for employment may be issued under these regulations, if sufficient grounds are shown in support of the application, order the medical examination of such person for ascertaining his fitness for employment.
7. (1) Notwithstanding the provisions of any law to the contrary, and but subject to the provisions of these regulations, a person who has been sentenced to pay a fine in addition to a term of imprisonment shall, on the expiry of his term of imprisonment, if the fine, or any part thereof, is then still unpaid, and if the Magistrate, in his discretion so orders, be discharged from prison and be employed as provided in regulation 3 of these regulations.  
  
(2) In such a case, the Magistrate shall issue-
  - (a) A warrant for the commitment of such person to prison in respect of the term of imprisonment to which lie shall have been sentenced ;
  - (b) a warrant ordering the employment of such person in respect of the non-payment of he fine imposed upon him.  
(3) Subject to such modifications or adaptations as may be necessary-
  - (a) the first warrant shall be in the form set out in the Second Schedule to the Intermediate Criminal and District Courts (Criminal jurisdiction) Ordinance ; and
  - (b) the second warrant shall be in the form J set out in the First Schedule to these Regulations.
8. The names of all supervisors shall be published by being posted up in a conspicuous place outside the Court House and at such other places as the Magistrate may deem proper.
9. It shall be the duty of every supervisor to acquaint the persons employed under these regulations, hereinafter referred to as labourers, and working under his control with their rights and obligations under these regulations.
10. Every supervisor shall be supplied by the Court with a book in the form set out in the Second Schedule to these regulations in which he shall make the entries therein specified. He shall cause such entries to be witnessed by a person other than a labourer. He shall, when required, submit such book for inspection by the Magistrate. When the book is exhausted, he shall it to the Court.

11. A supervisor shall, if the case so warrants, upon the expiry of the term of employment of a labourer, deliver to such labourer a certificate in the form set out In the Third Schedule to these Regulations which shall be issued from books of certificates to be supplied to such supervisor by the Court. Such certificate shall be drawn tip in triplicate. The original shall be delivered to the labourer, the first copy shall be forwarded to the Magistrate, and the second copy shall be retained by the supervisor. When the book of certificates is exhausted, the -supervisor shall return it to the Court.
12. The work which labourers shall ordinarily be required to perform shall be such work as the making of roads, the felling of trees, the loading and unloading of boats, carts, and other vehicles, and work in connection with the construction of buildings or the execution of public works.
13. Labourers who are skilled workers shall, as far as possible, be employed at their craft; otherwise they shall be employed as prescribed in the preceding regulation.
14. Female labourers shall perform such work as washing and mending clothes and linen in public hospitals, or such other suitable work for women as may be authorized by the Magistrate.
15. Labourers shall be punctual in their attendance at work. A labourer who, without any reasonable excuse, shall be more than five minutes late, shall be guilty of an offence under these regulations.
16. A labourer who shall refuse to perform the work assign to him or whose work shall Dot be carried out to the satisfaction of the supervisor, or who shall leave his place of work without permission, or who shall use abusive language to his supervisor, or who shall otherwise be guilty of serious misconduct, share be guilty of an offence under these regulations.
17. Labourers shall provide their own food and clothing. If they are required to reside in any specified place away from their homes, they shall be provided with bedding and the means of cooking their food.
18. Labourers shall be granted an allowance of seventy cents a day during the period of their employment. Such allowance shall be paid by the Court every fortnight, or on the expiry of the term of employment of the labourer, as the case may be, on presentation of a payment voucher signed by the supervisor concerned.

The said supervisor shall sign such payment voucher in duplicate and shall forward the copy thereof to the Magistrate.
19. Labourers shall not be required to work on Sundays, or on public holidays. Sundays and public holidays shall, however, be taken into account in the computation of a labourer's term employment, and allowances shall be paid in respect of such days if they were working days.
20. Should a labourer desire to pay the fine or part of the fine due by him, he may do so in the bands of the Clerk of the Court who shall take the necessary steps for causing such warrant to be suitably amended by the Magistrate.

21. A supervisor shall, on the expiry of the term of employment of a labourer, return the warrant to the Court together with copy of the certificate (if any,) referred to in regulation 11 of these regulations.
22. Where a person has been sentenced by the Court to a fine and to imprisonment, and the Court has ordered the employment of such person in default of payment of the fine, the following provisions shall have effect -
  - (a) the Court, when transmitting the warrant of commitment of such person to the Chief Officer of Prisons, shall notify to that officer that such person has been sentenced to a fine in addition to imprisonment and that a warrant for the employment of such person in respect of the non payment of tile fine shall, if necessary, be issued thereafter;
  - (b) the Chief Officer of Prisons shall, not less than 7 days and not more than 14 days before the expiry of the term of imprisonment of such person, if the fine is then still unpaid, inform the Court of the date of expiry of such term, and of the place of residence of such person;
  - (c) the Court shall thereupon forward the warrant ordering the employment of such person to the Chief Officer of Prisons who shall transmit it to the supervisor therein mentioned after having informed such person of the contents of the warrant.
23. Any person knowingly making or signing false any certificate or other document authorised for use under these regulations shall be guilty of an offence tinder these regulations.
24. (1) Any person ordered to be employed under the provisions of these regulations who shall, without sufficient excuse, fall to report at the time and place specified in the warrant ordering his employment, or who shall refuse to comply with any of the requirements contained in such warrant pertaining to such employment, or who shall be guilty of an offence under these regulations shall on conviction be liable to imprisonment for a term not exceeding three months and to a fine not exceeding five hundred rupees (Rs 500).
  - (2) Any person sentenced to a term of imprisonment under this regulation shall, after undergoing such term of imprisonment, undergo a further term of imprisonment equal to the whole of the unexpired portion of the period of employment specified in the warrant ordering his employment.
25. (1) Save in so far as other provision is expressly made in these regulations, nothing in these regulations contained shall be deemed to affect any other law relating to the execution of judgments of the Court in criminal cases, and the powers conferred by these regulations shall be deemed to be in addition to, and not in derogation of, any other powers conferred by any such other law.
  - (2) These regulations shall not apply in the case of any person convicted before the commencement of these regulations, and in such a case the judgment of the Magistrate shall be executed in the same manner as it would have been if these regulation had not been made.

Approved by the Governor in Council on the twenty-fourth day of March, one thousand nine hundred and sixty one, and ordered to come into force at once.

FIRST SCHEDULE

(Regulation 7)

IN THE COURT OF RODRIGUES

Cause

WARRANT ORDERING EMPLOYMENT IN DEFAULT OF PAYMENT OF FINE AND COSTS

To wit .....  
To ..... a Supervisor under the  
Rodrigues (Execution of Judgment) (Amendment) Regulations, 196

Whereas on the ..... day of ..... one thousand hundred and .....  
was duly convicted before me ..... Magistrate and Civil  
Commissioner of Rodrigues for having committed a breach section ..... of  
Ordinance No ..... of ..... (or of regulation .....  
of Government Notice No .... of ..... ) and was condemned by me to pay a  
fine of ..... Rupees and cents ..... and  
further to pay the sum of ..... Rupees and  
cents ..... for costs ; or in default thereof be employed  
on an allotted amount of public work outside a prison for following periods  
respectively, unless the said sums be sooner paid, namely: in respect of the  
fine of ..... Rupees and cents ..... for  
.....days, and in respect of the costs of ..... Rupees and  
cents ..... for ..... days.

Whereas the said ..... has not paid the  
aforesaid fine and costs.

Now, therefore, I, the said .....do hereby order that the said  
..... shall report to you, the above-named  
Supervisor, ..... at . o'clock on the morning  
of the ..... of ..... 19 ..... and,  
thereafter, at the same hour on each of the .....  
subsequent days (with the exception of Sundays and other public holidays) and  
that on each of the days aforesaid (not being a Sunday or other public holiday)  
the said .....shall perform such work as may be allotted to him by you the  
above-named Supervisor, and I, the said ..... do hereby further order  
that during the period of .... days aforesaid, the said .....shall  
reside at .....

And I do hereby also order that you, the abovenamed Supervisor, shall on  
each day upon which the said ..... is required to work under this warrant,  
keep the said ..... at labour upon the work allotted to him for not  
more than eight hours (exclusive of any time allowed for meals) ; and for so  
doing this shall be your sufficient warrant.

Given under my hand and the Seal of the Court  
 this .....day  
 of ..... 19 .....

Magistrate and Civil Commissioner of Rodrigues.

SECOND SCHEDULE

(Regulation 10)

DEPENDENCY OF RODRIGUES

RECORD OF WORK PERFORMED IN LIEU OF IMPRISONMENT OR IN

DEFAULT OF PAYMENT OF A FINE AND COSTS

Name..... Cause No ..... Dated .....  
 Address .....  
 Imprisonment for ..... or ..... days  
 Fine of ..... Rupees and Cents or ..... days  
 Costs of ..... Rupees and Cents .. or ..... days

Date	Commenced Work	Witness	Ceased work	Witness	Location and nature of work	Remarks orders for next day	Signature of Supervisor

Serial No. (Printed on each page to run consecutively through book),

Serial No .....

THIRD SCHEDULE  
 (Regulation 11)

DEPENDENCY OF RODRIGUES

I hereby certify that ..... who was ordered by  
 the Court by Warrant No ..... dated ..... to be employed for  
 days, in lieu of imprisonment for ..... or in default of payment  
 of a fine of ..... Rupees and Cents ..... and for  
 ..... days in default of payment of costs of .....  
 Rupees and Cents .....has worked under my supervision and  
 to my Satisfaction for the period so ordered'

This..... day of ..... 19 .....

Signed .....  
.....Supervisor