

CAYMAN ISLANDS



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THE JUVENILES LAW, 1975
(Law 16 of 1975)

Price: \$2.00

Date of operation:
Notice of non-disallowance published in Gazette No. of 197 .

Passed by the Assembly this 3rd day of September, 1975.

The Juveniles Law, 1964 badly requires revision to remove certain inconsistencies, irrelevancies, typographical errors and obscure references. The revision makes no substantial difference to the original provisions intended and forms part of the revision of the laws affecting judicature in general made necessary by the independence of the Islands from the Judiciary of Jamaica. In this case, however, as in the case of the Imprisonment Law, provision is still retained for the use by these Islands of a Jamaican establishment, namely the Approved School.

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.

FORM III

THE JUVENILES LAW, 1975
Section 23 (1)

ORDER TRANSFERRING PAYMENTS UNDER AFFILIATION ORDER

Whereas an affiliation order was made on the (1) against (2) ordering him to pay the sum of (3) a week to (4) towards the maintenance and education of (5) a juvenile of the age of (6) until he attains the age of (7)

And Whereas an order committing (5) (8) to the care of a fit person/to an approved school, was on the (1) made by this court;

It is hereby ordered, that the payments to be made by the said (2) under the affiliation order shall be made to (9) instead of to the said (4) the first of such payments to be made on the (1) so long as the said affiliation order remains in force, to be applied in accordance with the provisions of the above Law.

Given under my hand this (1) day of at (10) in the Island of Grand Cayman, Cayman Islands.

(11)

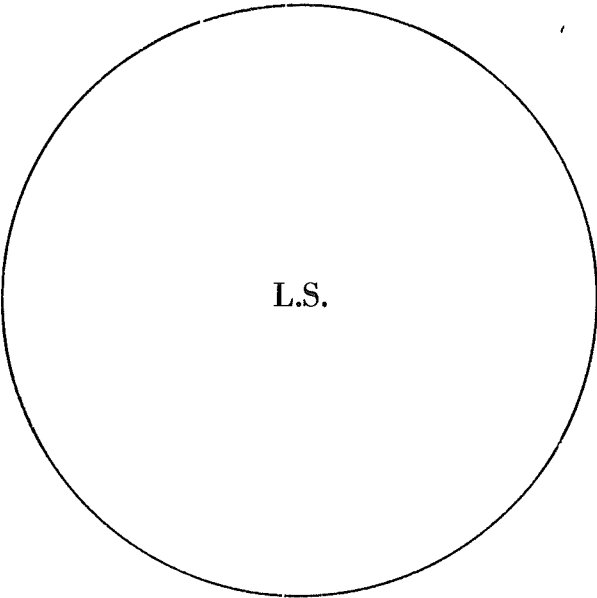
(12)

- (1) State date.
- (2) State name or person against whom affiliation order made.
- (3) State sum payable under the affiliation order.
- (4) State person to whom sum payable under the affiliation order.
- (5) State full name of juvenile.
- (6) State age of juvenile.
- (7) State age till which affiliation order payable.
- (8) Strike out inapplicable alternative.
- (9) State person to whom contributions are payable under section 21 (2).
- (10) State place.
- (11) Signature of the proper officer of the court.
- (12) Officer of the above.

THE JUVENILES LAW
Arrangement of Sections

- 1. Short title and commencement
- 2. Interpretation
- 3. Age of criminal responsibility
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- 10. Attendance at court of parent or guardian of juvenile charged with an offence
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- 15. Evidence of child
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- 20. Escapes from approved schools, and fit persons
- 21. Contributions
- 22. Contribution orders
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- 24. Restriction on employment of children under twelve
- 25. Restriction on employment of juveniles
- 26. Right of juvenile to sue
- 27. Responsibility for contravention
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- 32. Repeal of Law 11 of 1964.

CAYMAN ISLANDS



LAW 16 of 1975

I assent

T. RUSSELL

Governor

29th October, 1975.

**A LAW TO REPEAL AND REPLACE
THE JUVENILES LAW, 1964**

ENACTED by the Legislature of the Cayman Islands.

Short title and
commencement.

1. This Law may be cited as the Juveniles Law, 1975, and shall come into operation on a day to be appointed by the Governor by Notice published in the Gazette.

Interpretation.

2. In this Law —

“approved school” means a school approved by the Minister under the Juveniles Law of Jamaica;

“approved school order” means any order made by a court sending a juvenile to an approved school;

“child” means a juvenile under the age of fourteen years;

“contribution order” means an order made by a court requiring any person to make contribution in respect of any juvenile committed to any approved school;

“court” means any court sitting to try a juvenile offender;

“employment” means employment in any undertaking, trade or occupation, carried on for profit or gain, irrespective of whether the employment is gratuitous or for reward;

“fit person” includes a home or institution for the care of children, wherever situated, not being an approved school;

“guardian” in relation to a juvenile, includes any person who, in the opinion of the court having cognizance of any case in relation to the

- (8) State date.
- (9) State place.
- (10) Signature of the proper officer of the court.
- (11) State name of approved school.
- (12) Signature of Secretary of Minister.

FORM II

**THE JUVENILES LAW, 1975
Section 19 (2) (b)**

CONTRIBUTION ORDER

Whereas an order committing (1) a juvenile to the care of a fit person/an approved school (2), on the (3) has been made by the (4) court of the Cayman Islands;

It is hereby ordered that (5) being the (5) of the said juvenile shall pay to (6) the sum of (7) each week to be applied in accordance with the provisions of the above Law, the first of such payments to be made on the (3) so long as the said juvenile remains in the care of (2) such fit person approved school, or until this order is varied or revoked in accordance with the provisions of the above Law.

Given under my hand this (3) day of

..... at (8) in the Island of
Grand Cayman.

(9)
(10)

- (1) State full name of juvenile.
- (2) Strike out inapplicable alternative.
- (3) State date.
- (4) State name of court.
- (5) State name and status of person by whom contributions payable.
- (6) State person to whom contributions are payable under section 21 (1).
- (7) State amount of contribution.
- (8) State place.
- (9) Signature of the proper officer of the court.
- (10) Office of the above.

AND WHEREAS the court for the Cayman Islands considered it expedient and in the best interests of the welfare of the said juvenile to make an order sending the said juvenile to an approved school:

These, therefore, are to command you the said Minister and all persons authorised by the said Minister to detain the said juvenile in a place of safety until the name of an approved school is endorsed hereon by the Minister and then to take the said juvenile to the said approved school and deliver him to the Managers thereof; and to command you, the Manager of the approved school named in the endorsement hereon, to receive the said juvenile into your custody and to keep him in accordance with and until he is released under the provisions of the Juveniles Law, 1975.

It is hereby declared that

- (a) the age of the said juvenile is (4) years months, being born on (4)
- (b) his religious persuasion is (5)
- (c) a contribution order in the sum of (6) a week payable by (7)
- being the
- (7) of the said juvenile has been made.

A record in accordance with the provisions of the Juveniles Law is forwarded herewith.

Given under my hand this (8) day of at (9) Island of Grand Cayman, Cayman Islands.

(10)

ENDORSEMENT

The approved school to which the said juvenile shall be sent is the (11)

.

Dated this (8)

(12)

- (1) State full name.
- (2) Amend, if necessary.
- (3) State nature of offence.
- (4) State age and date of birth.
- (5) State religious persuasion, if ascertainable.
- (6) State amount, if contribution order made.
- (7) State name and status of person by whom contributions payable if contribution order made.

juvenile or in which the juvenile is concerned, has for the time being the charge of or control over the juvenile;

“industrial undertaking” includes —

- (i) a mine, quarry, and other works for the extraction of minerals from the earth, distillery, brewery, match, soap, cigar or cigarette factory, or any undertaking in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished or in which materials are transformed, including ship-building and the generation, transformation and transmission of electricity and motive power of any kind, but not an agricultural undertaking;
- (ii) construction, reconstruction, maintenance, repair, alteration or demolition of any building, harbour, dock, pier, canal, inland waterway, road, bridge, sewer, drain, well, telegraphic or telephonic installation, gas work, water work, and the preparation for or laying the foundation of any such work or structure;
- (iii) transport of passengers or goods by road, ship or air including the handling of goods at docks, wharves, airports and warehouses but excluding transport by hand;

“juvenile” means a person under the age of seventeen years;

“Minister” means the Minister of the Government of Jamaica charged for the time being with responsibility for the subject of child care and protection;

“night work” means work in any employment at any time between the hours of ten o'clock in the evening and five o'clock the morning following;

“place of safety” means any place appointed by the Governor to be a place of safety for the custody of any juvenile for the purpose of this Law, or any hospital or other suitable place the occupier of which is willing temporarily to receive a juvenile;

“probation officer” means a person appointed under the Probation of Offenders Law to be a probation officer;

“ship” means any sea-going ship or boat of any description; and

“young person” means a juvenile who has attained the age of fourteen years.

Cap. 136.

Age of criminal responsibility.

Cruelty to juveniles.

3. It shall be conclusively presumed that no child under the age of eight years can be guilty of any criminal offence.
4. (1) Whoever, having attained the age of seventeen years and having the custody, charge or care of any juvenile wilfully assaults, ill-treats, neglects, abandons or exposes such juvenile, or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause that juvenile unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), is guilty of an offence, and liable —
- (a) on conviction on indictment to a fine not exceeding \$500 or to imprisonment for any term not exceeding two years, or both;
- (b) on conviction by a summary court, to a fine not exceeding \$100 or to imprisonment for any term not exceeding three months, or both.

(2) For the purposes of this section —

- (a) a parent or other person legally liable to maintain a juvenile shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, such parent or other person fails to provide adequate food, clothing, rest, medical aid or lodging for him;
- (b) where it is proved that the death of a child under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the child) while the child was in bed with some other person who has attained the age of seventeen years and was at the time of going to bed under the influence of drink or any drug, then that other person shall be deemed to have neglected the child in a manner likely to cause injury to the child's health;
- (c) whoever having attained the age of seventeen years, gives, or causes to be given, or sells or causes to be sold, to any child any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent case, is deemed to have ill-treated such child in a manner likely to cause injury to its health;
- (d) whoever having attained the age of seventeen years and having the custody, charge or care of any child under the age of seven years, allows such child to be in any room or yard containing a gas, oil or petrol stove, or open fireplace, not sufficiently protected to guard against the risk of such child being burnt or scalded, without taking reasonable precautions against the risk, and by reason thereof such child is killed or suffers serious injury is deemed to have neglected such child in a manner likely to cause injury to its health:

Provided that neither this paragraph, nor any proceedings taken thereunder, shall affect the liability of any person to be indicted for manslaughter or for any offence against any other law.

(3) A person may be convicted of an offence under this section—

- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health was obviated by the action of another person;
- (b) notwithstanding the death of the juvenile in respect of whom the offence is committed.

(4) Upon the trial of any person, who has attained the age of seventeen years, for infanticide or for the manslaughter of a juvenile of whom he had the custody, charge or care, it shall be lawful for the jury or court, if satisfied that such person is guilty of an offence under this section to find him guilty accordingly.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the juvenile and had knowledge that that sum of money was accruing or becoming payable, then —

- (a) in the case of a conviction on indictment, the maximum fine which may be imposed under this section shall be \$2000 and the court may, instead of any other penalty, sentence that person to imprisonment for a term not exceeding five years;

Restriction on employment of juveniles. Law 22 of 1968.

Right of juvenile to sue.

Responsibility for contravention.

Search warrants.

Saving.

Offences under regulations.

Governor may make regulations.

Repeal of Law 11 of 1964.

Provided that no child under the age of twelve years shall be employed in night work or in an industrial undertaking.

25. No juvenile required under the Cayman Islands Education Law to attend school shall be employed —

- (a) in any industrial undertaking; or in or upon any ship, other than a ship where only members of his family are employed; or
- (b) in any night work.

26. It is lawful for any juvenile above the age of fourteen years to prosecute any suit in any court for any sum of money which he claims to be due to him for wages for work done in the such manner as if he were of full age.

27. Where any person is employed in contravention of any of the provisions of this Law, any person to whose act, default or representations the contravention is attributable is guilty of an offence:

Provided that it shall not be an offence under this Law for any person to employ a juvenile on a casual basis either during the period when the juvenile is on school holidays or at weekends.

28. If it is made to appear to a Justice of the Peace that there is reasonable cause to believe that any of the provisions in section 24 or 25 are being contravened, such Justice may by warrant authorise any constable to enter any place in or in connection with which a juvenile is, or is believed to be, employed, and to make all necessary enquiries therein.

29. Nothing in this Law contained shall be deemed to apply to the exercise of manual labour by any juvenile under order of detention in an approved school or by any juvenile receiving instruction in manual labour in any school or to the employment of juveniles under any lawful scheme of apprenticeship.

30. Whoever, not being a juvenile, is guilty of an offence against this Law, or any regulation for which no special punishment is provided, is liable on summary conviction to a fine not exceeding \$100 or, in default of imprisonment for a term not exceeding two months, and in the case of a continuing offence to a further fine not exceeding \$10 for each day on which the offence continues after conviction.

31. The Governor-in-Council may make regulations generally for giving effect to the provisions of this Law.

32. The Juveniles Law, 1964 is hereby repealed.

THE SCHEDULE
THE JUVENILES LAW, 1975
Section 19 (2) (a)

FORM I

APPROVED SCHOOL ORDER

To the Minister, and to all persons authorised by the said Minister, and to the Managers of the approved schools named in the endorsement hereon;
WHEREAS (1) a juvenile was brought before the (2) court of Grand Cayman, Cayman Islands, charged with the offence of (3)

(2) A contribution order shall, unless varied or revoked, remain in force so long as the juvenile remains in the approved school or in the care of a fit person, and the court when making such order shall have regard to any affiliation order in force in respect of the juvenile. Any such contribution order may be varied or revoked on the application of either the contributor or the person to whom the contributions are payable.

Law 10 of 1973.

(3) A contribution order shall be enforceable at the instance of the Clerk of the Court to whom the contributions are payable in the same manner as an affiliation order made under the Affiliation Law.

(4) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person to whom, immediately before the change, the contributions were payable, and if he fails so to do, or if he knowingly gives notice false in any material particular, he is guilty of an offence.

(5) Where a contribution order has been made by the court in respect of an approved school order all monies payable thereunder shall be paid to the Clerk of the Court, George Town, Grand Cayman, who shall then remit and cause all such monies to be paid to the appropriate approved school manager in Jamaica.

Provisions as to
affiliation orders.

23. (1) Where a juvenile who is ordered by a court to be committed to any approved school or to the care of a fit person, is illegitimate and an affiliation order for his maintenance is in force, that court may at the same time order the payments under the affiliation order to be paid to the person to whom contributions in respect of the juvenile are payable under section 21 and such order shall be in the form provided in the schedule.

The schedule.

(2) Any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order.

(3) If the putative father changes his address, he shall forthwith give notice thereof to the person to whom, immediately before the change, the payments under the order were payable, and if he fails so to do, or if he knowingly give a notice false in any material particular, he is guilty of an offence.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order.

Cap. 89.

(5) In this section an affiliation order includes an order made under the Maintenance Law in respect of a juvenile.

(6) Every juvenile committed to an approved school under this Law shall during the period of such committal be subject to the rules governing the treatment of persons in approved schools as prescribed under the fourth schedule to the Juveniles Law of Jamaica.

Restriction or
employment of
children under
twelve.

24. (1) No child under the age of twelve years shall be employed, save as is provided by subsection (2).

(2) A child under the age of twelve years may be employed by his parents or guardians —

- (a) in light domestic, agricultural or horticultural work;
- (b) in any prescribed occupation;

(b) in the case of a summary conviction, the maximum amount of the fine which may be imposed under this section shall be \$500 and the court may, instead of any other penalty, sentence that person to imprisonment for a term not exceeding six months.

(6) For the purpose of subsection (5) —

- (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he is not the person to whom it is legally payable; and
- (b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the juvenile therein stated to be insured has in fact been so insured and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him.

Begging.

5. (1) Whoever —

- (a) causes or procures any juvenile; or
- (b) having the custody, charge or care of a juvenile, allows him,

to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) is guilty of an offence.

(2) If a person having the custody, charge or care of a juvenile is charged with an offence under this section, and it is proved —

- (a) that the juvenile was in any street, premises or place for any such purpose as is mentioned in subsection (1); and
- (b) that the person charged allowed him the juvenile to be in the street, premises or place,

he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

Power of parent or
guardian to bring
juvenile before
court.

6. The parent or guardian of a juvenile may, with the approval of a probation officer, bring a juvenile before the court, and where such parent proves to the court that he is unable to control the juvenile and the court is satisfied —

- (a) that it is expedient so to deal with the juvenile; and
- (b) that the parent or guardian understands the results which will follow from and consents to the making of the order,

the court may order the juvenile —

Warrant to search for and remove juvenile.

- (i) to be sent to an approved school in Jamaica; or
- (ii) to be committed to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (iii) to be placed for a specified period, not exceeding three years, under the supervision of a probation officer, or some other person to be selected for the purpose by the court.

7. (1) If it appears to a Justice of the Peace on information on oath laid by any person who, in the opinion of such Justice, is acting in the interests of a juvenile, that there is reasonable cause to suspect —

- (a) that the juvenile has been or is in need of care and protection; or
- (b) that any offence mentioned in section 4 or 5 has been or is being committed in respect of the juvenile,

such Justice may issue a warrant authorising any constable —

- (i) to search for the juvenile and, if it is found that the juvenile has been or is being exposed, assaulted, ill-treated or neglected in any such manner, or that any such offence has been or is being committed in respect of him, to take him to and detain him in a place of safety; or
- (ii) to remove the juvenile with or without search to a place of safety and to detain him there,

until, in either case, the juvenile can be brought before a court.

(2) A Justice of the Peace issuing a warrant under this section may, by the same warrant, cause any person accused of any offence in respect of the juvenile to be apprehended and brought before a summary court in order that proceedings may be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any juvenile, or to remove any juvenile with or without search, may enter (if need be by force) any house, building or other place specified in the warrant and may remove him therefrom.

(4) The constable executing any warrant issued under this section may be accompanied by the person so laying the information, if that person so desires, and may also, if the Justice of the Peace by whom the warrant is issued so directs, be accompanied by a medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the juvenile.

(6) For the purpose of paragraph (a) of subsection (1) a juvenile shall be regarded as in need of care and protection if it appears that such juvenile —

- (a) has been or is being exposed to moral danger;
- (b) is suffering from mal-nutrition or other physical deprivation or disease;
- (c) is being treated in a manner calculated to produce emotional instability;
- (d) is being deprived, (whether or not of its own volition) of normal education;
- (e) is without regular and fixed abode; or

Escapes from approved schools, and fit persons.

- until the expiration of a period of two years from the date of the order; and
- (b) if at the date of the order he has attained the age of sixteen years, until he attains the age of eighteen years.

(7) Where a person, in respect of whom an approved school order has been made, attains the age of seventeen years during the continuance of such order, the provisions of this Law shall continue to be applicable to him until he attains the age of eighteen years as if he were a juvenile.

(8) A juvenile detained under any approved school order and while being conveyed to or from any approved school shall be deemed to be in legal custody.

20. (1) Whoever is ordered to be sent to an approved school —

- (a) escapes from such school, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from such school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school at the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from such school under supervision fails to return to the school upon being recalled;

is guilty of an offence and may be apprehended without warrant by any constable or authorised person and returned to such school.

(2) Whoever knowingly —

- (a) assists or induces a person to commit an offence under subsection (1); or
 - (b) harbours or conceals or detains a person who has committed such an offence; or
 - (c) harbours or conceals a juvenile after an approved school order has come into operation in respect of him and during the continuance of such order,
- is guilty of an offence.

Contributions.

21. (1) Where an order has been made by a court committing a juvenile to an approved school or to the care of a fit person it shall be the duty of the following persons to make contributions in respect of him —

- (a) his father, adopted father or step-father;
- (b) his mother, adopted mother or step-mother; and
- (c) any person who, at the date when any such order is made, is cohabiting with the mother of the juvenile, whether he is the putative father or not.

(2) Where a juvenile has been committed to an approved school, contributions under this Law shall be paid to the managers of such school to be applied in or towards the maintenance of such school.

Contribution orders.

22. (1) Where an order has been made committing a juvenile to an approved school or to the care of a fit person, the court which makes such order may at the same time make a contribution order on any person who is under subsection (1) of section 21 liable to make contribution in respect of the juvenile, requiring that person to contribute such weekly sum, not exceeding thirty dollars in respect of each juvenile, as the court having regard to his means thinks fit.

(2) Where a young person is convicted of an indictable offence and the court is of the opinion that none of the methods in which the case may be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence. Where such a sentence has been passed the young person shall during that period, notwithstanding any other provision of this Law, be liable to be detained in such place (including a prison) and on such conditions as the Governor may direct, and while so detained shall be deemed to be in legal custody.

(3) The Governor may release on licence any person detained under subsection (1) or (3). Such licence shall be in such form and contain such conditions as the Governor may direct, and may at any time be revoked or varied by the Governor. Where such licence is revoked the person to whom it relates shall return forthwith to such place as the Governor may direct, and if he fails so to do may be arrested by any constable without warrant and taken to such place.

Restriction on
committal to ap-
proved school.

18. A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason the court is satisfied that he cannot suitably be dealt with otherwise.

Provisions relating
to committal to
approved school.

19. (1) A court before making an approved school order with respect to any juvenile shall endeavour to ascertain the religious persuasion of the juvenile.

The schedule.

(2) Every approved school order shall be in the form provided in the schedule and shall contain a declaration —

The schedule.

- (a) as to the age and religious persuasion (if ascertained) of the juvenile with respect to whom the order is made; and
- (b) where a contribution order has been made under section 22 it shall be in the form provided in the schedule and shall state the amount of such contribution and by whom it is payable.

(3) Any court which makes an approved school order in relation to any juvenile shall cause —

- (a) such order; and
- (b) a record embodying all such information in the possession of the court with respect to the juvenile as is in the opinion of the court, material to be known by the Minister

to be delivered with as little delay as possible to the Minister.

(4) Pending the admission into an approved school of a juvenile in respect of whom an approved school order is made the juvenile, unless the court which made the order has otherwise directed, shall be detained in a place of safety to be determined by the court.

(5) Where a court orders a child to be sent to an approved school, the order shall be the authority for his detention in such school until the expiration of a period of three years from the date of the order, and if at the expiration of that period he is under the age of sixteen years, for his further detention until he attains that age.

(6) Where a court orders a young person to be sent to an approved school, the order shall be the authority for his detention in an approved school —

- (a) if at the date of the order he has not attained the age of sixteen years,

Detention of
juvenile in place of
safety.

(f) has no, or no sufficient contact with its parent or guardian responsible for its welfare.

8. (1) A constable may take to a place of safety any juvenile in respect of whom any of the offences mentioned in subsection (1) of section 7 has been, or there is reason to believe has been committed, or who is, in accordance with the provisions of that section, about to be brought before a court.

(2) Any juvenile taken to a place of safety under this section, and also any juvenile who seeks refuge in a place of safety, may there be detained until he can be brought before a court at the earliest practicable opportunity.

- (3) A court sitting to try a juvenile offender shall consist either of —
 - (a) a magistrate sitting alone, or
 - (b) three Justices of the Peace one of whom shall be a woman.

General con-
siderations for
guidance of courts.

9. Every court in dealing with a juvenile who is brought before it shall have regard to the welfare of the juvenile and shall, if it deems it necessary, take steps for removing the juvenile from undesirable surroundings and for securing that proper provision be made for his education and training.

Attendance at court
of parent or
guardian of juvenile
charged with an
offence.

10. (1) Where a juvenile is brought before the court his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, a summons may be issued and served on him requiring his attendance before the court.

(3) The parent or guardian whose attendance is required under subsection (1) shall be the parent or guardian having the actual possession and control of the juvenile:

Provided that where the juvenile had been, prior to the institution of the proceedings, removed from the custody or charge of his parent by an order of a court, the attendance of such parent shall not be required.

Notice to probation
officer of charge
against juvenile.

11. (1) Where a juvenile is to be brought before any court the person bringing such juvenile before the court shall cause notice of the grounds on which such juvenile is brought before the court, and of the date on which such matter will be heard, to be served on the probation officer at a reasonable time before such date.

(2) Upon receipt of the notice referred to in subsection (1), it shall be the duty of the probation officer to make such investigations and render available to the court such information as to the home surroundings, school record, age, health and character of the juvenile as the probation officer is able to obtain and as in his opinion is likely to be of assistance to the court.

Procedure in
juvenile court.

12. (1) The court shall sit on different days or at different times from those on which sittings of other courts are held.

- (2) No person shall be present at any sitting of the court except —
 - (a) members and officers of the court;
 - (b) parties to the case before the court, their advocates and witnesses giving or having given their evidence, and other persons directly concerned with the case;

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- (c) bona fide representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present.

(3) When a juvenile is brought before the court is shall be the duty of such court to explain to him in as simple language as possible the reason for his being before the court.

(4) Where a juvenile is charged before the court it shall be the duty of the court to ascertain the defence, if any, of the juvenile so as to put, or assist the juvenile and his parents or guardian in putting, such questions to any witness as appear to be necessary.

(5) Where a juvenile is charged with any offence and admits the offence, or the court is satisfied that the offence has been proved, the court shall record a finding to that effect, and before sentencing the juvenile shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the juvenile. For the purpose of obtaining such information or for special observation the court may from time to time remand the juvenile on bail or in custody.

(6) An appeal shall lie from any decision of the court in the same manner and subject to the same procedure as an appeal from a court of summary jurisdiction.

Reporting
restrictions

13. (1) No newspaper report of any proceedings in a juvenile court shall reveal the name or school or include any particulars calculated to lead to the identification of any juvenile concerned in these proceedings either as being the person against whom or in respect of whom proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any juvenile so concerned in any such proceedings; provided that the court may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the provisions of this section to the extent specified in the order.

(2) Whoever publishes any matter in contravention of this section is guilty of an offence.

Methods of dealing
with juvenile of-
fenders.

14. (1) Where a juvenile has been found guilty of an offence the court may, subject to the provisions of this Law make an order —

- (a) dismissing the case;
- (b) placing the juvenile on probation under the Probation of Offenders Law;
- (c) when the offender is a young person, ordering him to pay a fine, damages or costs;
- (d) sending the offender to an approved school in Jamaica to be determined by the Minister;
- (e) ordering the parent or guardian of the offender to pay a fine, damages or costs;
- (f) ordering the parent or guardian of the offender to enter into a

recognizance for the good behaviour of such offender for a period not exceeding two years;

(g) committing him to the care of any fit person whether a relative or not who is willing to undertake the care of him;

(h) placing the offender, either in addition to or without making any other order under this section, for a specified period, not exceeding three years, under the supervision of a probation officer or some other person to be selected for the purpose by the court.

(2) Where a juvenile has been brought before the court as being in need of care and protection the court may, subject to any other provision of this Law make an order under paragraph (g) or (h) of subsection (1).

(3) An order under this section may be made against a parent or guardian who having been required to attend has failed to do so, but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sums ordered under this section to be paid by a parent or guardian may be recovered from him by distress or imprisonment, and in default of such recovery such parent or guardian may be imprisoned as if he had been convicted of the offence in respect to which the juvenile was charged.

Evidence of
child.

15. (1) Where, in any proceedings against any person for any offence, any child called as a witness does not in the opinion of the court understand the nature of an oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of evidence and understands the duty of speaking the truth, his evidence, though not given on oath, but otherwise taken and reduced into writing shall be deemed to be a deposition for the purpose of any other law:

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) Every child who wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, is guilty of an offence.

Enforcement
of recognizance.

16. If it appears to a court that any person having entered into a recognizance under paragraph (f) of subsection (1) of section 14, has failed to comply with any of the conditions of that recognizance the court may adjudge the recognizance to be forfeited and the sum of money named therein to be payable by the parent, guardian or other surety, and thereupon that recognizance may be enforced against such parent, guardian or other surety as if the sum of money named therein were a fine ordered by a summary court to be paid upon conviction of an offence.

Restriction on
punishment.

17. (1) Sentence of death shall not be pronounced on or recorded against a person who, at the time of committing the relevant offence was under the age of eighteen years, but in place thereof, the court shall sentence him to be detained during Her Majesty's pleasure, and if so sentenced, he shall, notwithstanding any other provision of this Law, be liable to be detained in such place (including, save in the case of a child, a prison) and under such conditions as the Governor may direct, and while so detained shall be deemed to be in legal custody.