

CAYMAN ISLANDS



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**THE JUVENILES (AMENDMENT) LAW, 1994**  
**(LAW 5 OF 1994)**

**CAYMAN ISLANDS**

Law 5 of 1994

I Assent

**MICHAEL J GORE**  
Governor

22nd March, 1994

**A LAW TO AMEND  
THE JUVENILES LAW, 1990**

ENACTED by the Legislature of the Cayman Islands.

Short title and  
Interpretation.

1. (1) This Law may be cited as the Juveniles (Amendment) Law, 1994.
- (2) In this Law "the principal Law" means the Juveniles Law, 1990.

Amendment of the  
principal Law -  
court orders.

2. (1) Section 2 of the principal Law is amended -
  - (a) by inserting at the beginning of the definition of "juvenile" the words "Subject to the provisions of this Law relating to approved school orders and juvenile rehabilitation orders,"; and
  - (b) by inserting after that definition the following definition -

"juvenile rehabilitation order" means an order made by a Juvenile Court under sections 9(1)(h), 32(1)(d) and 55A(2) of this Law and any order varying or renewing such an order."

(2) Section 9(1) of the principal Law is amended -

- (a) by repealing paragraph (h) and substituting the following paragraph -

"(h) subject to the provisions of Part VIA, requiring him to attend a juvenile rehabilitation school"; and

- (b) by repealing paragraph (k) and substituting and adding the following paragraphs -

"(k) in respect of an offence involving the use or attempted use of a motor vehicle, an order disqualifying the juvenile from obtaining a driving licence for such period not exceeding seven years as the Court thinks fit; or

(l) confiscating any property of the juvenile used in connection with the commission of the offence."

(3) After section 9(2) of the principal Law there shall be inserted the following subsection -

"(2A) An order made under subsection (1)(h) above -

- (a) may be varied, suspended, discharged or renewed by the Court on its own motion or on the application of any authorised person;

(b) shall not extend beyond the date on which the juvenile, in respect of whom the order was made, attains the age of 19;

(c) may, subject to paragraph (b) above, require the detention of the juvenile at a juvenile rehabilitation school for such period not exceeding three years or the length of the order, whichever is the less, as the court thinks fit."

(4) Section 32 of the principal Law is amended -

- (a) by adding the following paragraph to subsection (1) -

"(d) subject to the provisions of Part VIA, requiring him to attend a juvenile rehabilitation school,"; and

- (b) by repealing subsection (2) and substituting the following subsection -

"(2) An order made under subsection (1) -

- (a) may be varied, suspended, discharged or renewed by the Court on its own motion or on the application of any authorised person;

- (b) shall not extend beyond the date on which the juvenile, in respect of whom the order was made, attains the age of 19;
- (c) may, subject to paragraph (b) above, require the detention of the juvenile at a juvenile rehabilitation school for such period not exceeding three years or the length of the order, whichever is the less, as the court thinks fit."

(5) Section 37(1) of the principal Law is amended by inserting after the words "sections 9 or 32" the words "or 55A".

Approved school  
orders.

3. Section 47 of the principal Law is amended by inserting at the beginning the paragraph designation "(1)" and by adding at the end the following paragraphs -

"(2) An approved school order shall not extend beyond the date on which the juvenile, in respect of whom the order was made, attains the age of 19.

(3) An approved school order may authorise the detention of a juvenile at an approved school for such period not exceeding three years or the length of the order, whichever is the less, as the court thinks fit."

Part VIA Juvenile  
rehabilitation  
orders.

4. The principal Law is amended by inserting after Part VI the following Part -

#### "Part VIA - Juvenile Rehabilitation Orders

Juvenile  
rehabilitation  
orders.

55A. (1) Where an authorised person believes a juvenile is beyond parental control, he may bring the juvenile before a Juvenile Court and apply for a juvenile rehabilitation order in respect of that juvenile.

(2) A Juvenile Court before which any juvenile is brought under subsection (1) above may, if satisfied as mentioned in section 55B below, make an order requiring him to attend a juvenile rehabilitation school.

(3) An order made under subsection (2) -

- (a) may be varied, suspended, discharged or renewed by the Court on its own motion or on the application of any authorised person;
- (b) shall not extend beyond the date on which the juvenile, in respect of whom the order was made, attains the age of 19;
- (c) may, subject to paragraph (b) above, require the detention of the juvenile at a juvenile

rehabilitation school for such period not exceeding three years or the length of the order, whichever is the less, as the court thinks fit.

Criteria for  
juvenile  
rehabilitation  
orders.

55B. (1) A court may only make a juvenile rehabilitation order if -

- (a) it has received a report under section 21(3) which recommends that the juvenile in respect of whom the report was prepared would benefit from the order being made;
- (b) it is satisfied that -
  - (i) the juvenile is beyond parental control;
  - (ii) the juvenile cannot suitably be dealt with in any other way; and
  - (iii) the welfare of the juvenile requires the order to be made; and
- (c) in respect of an order requiring the attendance of a juvenile at a juvenile rehabilitation school which is not in the Islands, the Attorney-General has given a certificate that the laws applicable to the education, training, residence and detention of juveniles at that school, and travel to and from that school, are such as to allow for the carrying out of the order.

(2) In considering whether to make a juvenile rehabilitation order, a court shall have regard to -

- (a) the welfare of the juvenile;
- (b) the educational needs of the juvenile; and
- (c) the juvenile's age, sex, religious persuasion, background and any other characteristics of the juvenile the court considers relevant.

(3) After a court has made a juvenile rehabilitation order which requires the detention of the juvenile at a juvenile rehabilitation school, the juvenile in respect of whom the order is made shall, unless the court otherwise orders, be detained in a place of safety to be determined by the court until he is admitted to that school.

Offences.

55C. (1) A juvenile who has been ordered to attend a juvenile rehabilitation school under a juvenile rehabilitation order is guilty of an offence -

- (a) if he fails to attend that school as required by the order, or
- (b) where the order has required his detention at that school and he is absent from that school on temporary leave of absence or on licence -
  - (i) if he absconds from the person in whose charge he is; or
  - (ii) if he fails to return to the school at the end of his leave or licence; or
  - (iii) where he is absent under supervision, he fails to return to the school on being recalled; or
- (c) if he contravenes any other requirement of the juvenile rehabilitation order.

(2) A juvenile guilty of an offence under subsection (1) above -

- (a) in respect of an offence under paragraph (b) of that subsection, may be apprehended without warrant by a constable and returned to the juvenile rehabilitation school; and
- (b) is liable on summary conviction to such order under section 9(1), including such further juvenile rehabilitation order, as the court thinks fit.

(3) Any person who knowingly -

- (a) aids or abets a juvenile to commit an offence under subsection (1) above,
- (b) harbours or conceals a juvenile who has absconded or failed to return as specified in paragraph (b) of that subsection, or
- (c) discloses any information relating to a juvenile attending a juvenile rehabilitation school without the prior authority of the court,

is guilty of an offence and shall be liable on summary

conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both.

Suspension of a juvenile rehabilitation order.

55D. (1) The Court may, subject to such conditions as it thinks fit, direct the suspension of a juvenile rehabilitation order.

(2) A juvenile in respect of whom an order has been suspended under this section shall be subject to the supervision of a probation officer or a social worker until the end of the period of the suspension.

Declaration of juvenile rehabilitation schools.

55E. Sections 50 to 54 above (Approved Schools) shall apply for the purposes of this Part with the modifications specified in Schedule 3."

Amendment of section 57.

5. Section 57 of the principal Law is amended by adding at the end the following subsection -

"(5) The power of the Governor to make regulations under subsection (1) includes power to prescribe forms for the purposes of Part VIA and Schedule 3."

Amendment of Schedule 1.

6. Schedule 1 to the principal Law is amended by repealing the words at the beginning of Form 1 "To the Governor in Council, and", and by repealing the words at the end of that form "Clerk of Executive Council" and substituting the words "Clerk of the Court".

Schedule 3.

7. The principal Law is amended by adding after Schedule 2 the following Schedule -

### "SCHEDULE 3

#### Section 55E

### JUVENILE REHABILITATION ORDERS

Modifications of sections 50 to 54 for the purposes of Part VIA

1. Sections 50 to 54 shall apply for the purposes of Part VIA with the substitution for the words "approved school", wherever they occur, of the words "juvenile rehabilitation school".
2. An order containing a declaration of an approved school may contain a declaration that the whole or part of that approved school is a juvenile rehabilitation school.
3. The Governor shall not make an order under section 50 in respect of a juvenile rehabilitation school which is outside the Islands unless he is satisfied that the arrangements for the education, training, residence and detention of juveniles at that school are no less adequate for the purposes of this Law than

any juvenile rehabilitation school within the Islands.

4. In section 51(4) for the words "may give six months' notice" there shall be substituted the words "shall give a minimum of six months' notice".

Passed by the Legislative Assembly the 10th day of March, 1994.

SYBIL McLAUGHLIN  
Speaker.

GEORGETTE MYRIE  
Clerk of the Legislative Assembly.