

CAYMAN ISLANDS

LAW 28 of 1965

I assent,

(L.S.)

J.A. CUMBER
Administrator

13th October 1965

A LAW to Amend the Juvenile Offenders Law, 1964

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Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Juvenile Offenders (Amendment) Law, 1965.

Short
title.

2. The Juvenile Offenders Law (hereinafter referred to as the principal Law) is hereby amended by the insertion of the following new section immediately after section 5—

Addition of
new section
to Law 11
of 1964.

"Power of parent
or guardian to
bring juvenile
before Court.

5 A. The parent or guardian of a juvenile may, with the approval of the Probation Officer, bring a juvenile before the Court, and where such parent proves to the Court that he is unable to control the juvenile, the Court if satisfied—

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(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,

may order the 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.”.

Replacement
of Section 11.

3. Section 11 of the principal law is deleted and replaced as follows—

“Procedure in
Juvenile
Court.

11. (1) The court shall sit either in a different building or room from that in which sittings of Courts other than Juvenile Courts are held, or on different days or at different times from those on which sittings of such 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;
- (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 it 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.”.

Addition of
new section.

4. The principal law is hereby amended by the addition of a new section immediately following section 11—

“Restriction on
newspaper
reports.

11A (1) No newspaper report of any proceedings in a juvenile Court shall reveal the name, address or school or include any particulars calculated to lead to the identification of any juvenile concerned in those proceedings either as being the person against 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) Any person who publishes any matter in contravention of this section shall be guilty of an offence against this Law.”.

5. Subsection (1) of section 12 of the principal law is hereby amended by the substitution of a semi-colon for the full stop at the end thereof and by the addition of the following new paragraph—

Amendment of
Section 12.

“(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.”.

6. The principal law is hereby amended by the addition of a new section immediately following section 12—

New Section
12 A

“Evidence of
child of
tender years.

12A (1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court under-

stand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the Court, he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section 34 of the Justices of the Peace Jurisdiction Law shall be deemed to be a deposition with the meaning of that section:

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) If any child whose evidence is received wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be guilty of an offence against this Law."

Passed the Assembly this 30th day of June, 1965.

Juvenile Offenders (Amendment) Law, 1965.

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J.A. CUMBER

President

SYBIL McLAUGHLIN

Clerk of the Legislative Assembly.

Government Notice No. 121 of 1965.

Date of operation 15th October, 1965.

