

THE JUVENILES ACT

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SCHEDULES

THE JUVENILES ACT

[1st July, 1951.]

Cap. 189.	2 of 1973,
Laws	4 of 1974,
60 of 1955,	8 of 1974
	S. 20,
19 of 1957.	39 of 1975,
Acts	41 of 1975
42 of 1963	2nd Sch.,
S. 3.,	42 of 1975,
26 of 1964,	9 of 1985
42 of 1969	S. 85,
2nd and 3rd	12 of 1985
Schs.,	Sch.,
	15 of 1986,
	19 of 2000
	S. 23.
	Short title.

1. This Act may be cited as the Juveniles Act.

PART I. Preliminary

2.—(1) In this Act—

Interpretation.
9/1985
S. 85.

“adult correctional centre” has the meaning assigned to it by section 2 of the Corrections Act;

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

“children’s home” means any institution, dwelling-house or other place where four or more children are boarded and maintained other than by a parent or lawful guardian, either gratuitously or for reward;

“children’s officer” means a public officer designated by the Minister to be a children’s officer for the purposes of this Act; 42/1975
S. 2.

“contribution order” means an order made by a court under section 82 requiring any person to make contributions in respect of any juvenile committed to the care of a fit person or to a juvenile correctional centre;

“correctional order” means an order made by a court sending a juvenile to a juvenile correctional centre; 9/1985
S. 85.

“the Council” means the Advisory Council established under this Act; 19/1957
S. 5(a).

“fit person” includes the Minister, a local authority, children’s home or any association of persons whether corporate or unincorporate; 19/1957
S. 5(b).

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

“intoxicating liquor” means any fermented, distilled or spirituous liquor which cannot, save in certain specified circumstances, according to any enactment for the time being in force be legally sold without a licence;

9/1985
S. 85.

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

“juvenile correctional centre” has the meaning assigned to it by section 2 of the Corrections Act;

9/1985
S. 85.

“juvenile court” means any juvenile court established in accordance with the provisions of this Act;

19/1957
S. 5(b).

“juvenile remand centre” has the meaning assigned to it by section 2 of the Corrections Act;

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

9/1985
S. 85.

“probation and after-care officer” has the meaning assigned to it by section 2 of the Corrections Act;

“young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) For the purposes of this Act any juvenile—

(a) who, having no parent or guardian, or having a parent or guardian unfit to exercise care and guardianship, or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or

15/1986
S. 2.

(aa) who is being cared for in circumstances in which his physical or mental health or his emotional state is being seriously impaired or there is a substantial risk that it will be seriously impaired; or

- (b) in respect of whom any offence mentioned in the First Schedule has been committed or attempted to be committed; or
- (c) who is a member of the same household as a juvenile in respect of whom such an offence has been committed; or
- (d) who is a member of the same household as a person who has been convicted of such an offence in respect of a juvenile,

shall be considered to be in need of care or protection; and the fact that a juvenile is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall, without prejudice to the generality of the provisions of paragraph (a), be evidence that he is exposed to moral danger.

3. It shall be conclusively presumed that no child under the age of twelve years can be guilty of any offence.

4. Every court, in dealing with a juvenile who is brought before it either as being in need of care or protection or as an offender or otherwise, 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 is made for his education and training.

PART II. *Constitution and General Duty of Council, and Proceedings by Minister*

5—(1) For the purposes of this Act there shall be established a body to be known as the Advisory Council.

[The inclusion of this page is authorized by L.N. 87/1986]

(2) The Council shall be constituted and its proceedings shall be determined in accordance with regulations made by the Minister under section 85.

General duty of the Council to advise the Minister.

6.—(1) It shall be the duty of the Council, in its discretion, to advise and report to the Minister on any matter which, in its opinion affects the proper carrying out of the provisions and objects of this Act.

(2) It shall be the duty of the Council to advise the Minister on any matter about which the Minister may seek its advice, with a view to the proper carrying out of the provisions and objects of this Act.

Proceedings by the Minister.

7. Where it is necessary or expedient for the Minister to bring any juvenile before a Juvenile Court or to make any application to a Court in relation to a juvenile, such proceedings may be brought in the name of the Minister by a children's officer or by any person generally or specially appointed for such purpose by the Minister.

42/1975
S. 4.

PART III. *Prevention of Cruelty to and Protection of Juveniles*

Interpretation for Part III.

8. For the purposes of this Part—

- (a) any person who is the parent or legal guardian of a juvenile, or who is legally liable to maintain him, shall be presumed to have the custody of him, and as between father and mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the juvenile;
- (b) any person to whose charge a juvenile is committed by any person who has the custody of him shall be presumed to have charge of that juvenile;
- (c) any other person having actual possession or control of a juvenile shall be presumed to have the care of him.

9.—(1) Every person who, 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), shall be guilty of a misdemeanour, and shall be liable—

Cruelty to juveniles.

- (a) on conviction on indictment before the Supreme Court, to a fine not exceeding two hundred dollars or to imprisonment with hard labour for any term not exceeding two years, or to both such fine and imprisonment;
- (b) on summary conviction before a Resident Magistrate, to a fine not exceeding fifty dollars or to imprisonment with hard labour for any term not exceeding three months, or to both such fine and imprisonment.

(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 an infant 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 infant) while the infant 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 infant in a manner likely to cause injury to the infant's health;

- (c) any person, having attained the age of seventeen years, who gives, or causes to be given, or sells or causes to be sold, to any child under the age of ten years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child's health;
- (d) any person, having attained the age of seventeen years and having the custody, charge or care of any child under the age of seven years, who allows that child to be in any room or yard containing a stove, coal-stove, or open fire-place, not sufficiently protected to guard against the risk of that child being burnt or scalded, without taking reasonable precautions against the risk, and by reason thereof that child is killed or suffers serious injury, shall be deemed to have neglected that child in a manner likely to cause injury to the child's 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 the Offences against the Person Act.

(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, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

(5) (a) 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—

(i) in the case of a conviction on indictment before the Supreme Court, the maximum amount of fine which may be imposed under this section shall be four hundred dollars and the Court may, instead of any other penalty, sentence that person to imprisonment with hard labour for any term not exceeding five years;

(ii) in the case of a summary conviction before a Resident Magistrate, the maximum amount of the fine which may be imposed under this section shall be one hundred dollars and the Resident Magistrate may, instead of any other penalty, sentence that person to imprisonment with hard labour for any term not exceeding six months.

(b) For the purposes of this subsection—

(i) 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;

(ii) 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.

(6) 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.

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149/78
60/80

(7) Any reference in this section to a Resident Magistrate, in so far as it relates—

- (a) to a Resident Magistrate for the parish of Kingston, or for the parish of St. Andrew shall, with effect from the 13th day of November, 1978, be construed as a reference to a Judge of the Family Court—Corporate Area Region; and
- (b) to a Resident Magistrate for a parish within the geographical jurisdiction of the Family Court established pursuant to Part II of the Judicature (Family Court) Act shall (with effect from the date on which such Court is established) be construed as a reference to a Judge of that Family Court.

Begging.

10.—(1) Every person who—

- (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) shall be guilty of an offence against this Act.

(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 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.

(4) Where an offence under this section is committed by a person mentioned in paragraph (b) of subsection (1)—

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60/80

(a) in the parish of Kingston or the parish of St. Andrew, such offence shall, with effect from the 13th day of November, 1978, be triable by the Family Court— Corporate Area Region; and

(b) in a parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act, such offence shall, with effect from the date on which such Court is established, be triable by that Family Court.

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

Warrant to search for and remove juvenile.

(a) that the juvenile has been or is being assaulted, ill-treated or neglected in a manner likely to cause that juvenile unnecessary suffering; or

(b) that any offence mentioned in the First Schedule has been or is being committed in respect of the juvenile,

First Schedule.

the Justice may issue a warrant authorizing any constable—

- (i) to search for the juvenile and, if it is found that the juvenile has been or is being 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 such case, the juvenile can be brought before a juvenile court.

(2) A Justice 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 court of summary jurisdiction in order that proceedings may be taken against him according to law.

(3) Any constable authorized 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 laying the information, if that person so desires, and may also, if the Justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

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

Detention of
juvenile in
place of
safety.
First
Schedule.
42/1975
S. 5.
9/1985
S. 85.

12.—(1) A constable, a children's officer or a probation and after-care officer may take to a place of safety any juvenile in respect of whom any of the offences mentioned in the First Schedule has been, or there is reason to believe has been committed, or who is, in accordance with the

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provisions of section 13, about to be brought before a juvenile 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 juvenile court; and every juvenile so detained shall be brought before a juvenile court at the earliest practicable opportunity.

13.—(1) Any constable or authorized person may bring before a juvenile court a juvenile in need of care or protection.

Power to bring juveniles needing care or protection before court.

(2) For the purposes of this section the expression “authorized person” means—

- (a) any probation and after-care officer or any children’s officer;
- (b) any person appointed by the Minister under section 7;
- (c) any person appointed by the Minister on the recommendation of a welfare organization.

42/1975
S. 6.
19/1957
S. 8 (b).
9/1985
S. 85.

19/1957
S. 8 (b).

14.—(1) A juvenile court before which any juvenile is brought under this Part, or before which is brought any juvenile in respect of whom any of the offences mentioned in the First Schedule has been committed, may, if satisfied that the welfare of the juvenile so requires, make an order—

Powers of court.

First Schedule.

- (a) committing him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (b) requiring his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (c) placing him, either in addition to, or without making, any order under paragraph (a) or (b), for a specified period, not exceeding three years, under

9/1985
S. 85,
19/1957
S. 8 (b).

the supervision of a probation and after-care officer, or some other person to be selected for the purpose by the Minister.

(2) (a) If a juvenile court before which any juvenile is brought is not in a position to decide whether any or what order ought to be made under this section, it may make such interim order as it thinks fit for the juvenile's detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(b) Any interim order made under this subsection shall not remain in force for more than thirty days; but at any time within such period the court may, if it considers it expedient so to do, make a further interim order; so, however, that in no case shall any interim order or orders made under this subsection remain in force for more than sixty days after the date of the first order made under this subsection.

(c) If the juvenile court by which an interim order is made is satisfied on any occasion that, by reason of illness or accident, the juvenile is unable to appear personally before the court, any further interim order which the court has power to make on that occasion may be made in the absence of the juvenile.

Power of
parent or
guardian to
bring
juvenile
before court.
19/1957
S. 8 (b).

15. The parent or guardian of a juvenile may, with the approval of the Minister, bring the juvenile before a juvenile court, and where such parent or guardian proves to the court that he is unable to control the juvenile, the court, if 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,
may order the juvenile—

- (i) 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
- (ii) to be placed for a specified period, not exceeding three years, under the supervision of a probation and after-care officer, or of some other person to be selected for the purpose by the Minister.

9/1985
S. 85.

16.—(1) Where a person having the custody, charge or care of a juvenile has been—

Disposal of
juvenile by
order of
court.

- (a) convicted, in respect of that juvenile, of any of the offences mentioned in the First Schedule; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards that juvenile,

First
Schedule.

by any court, that court may order that juvenile to be brought before a juvenile court with a view to the juvenile court making an order under section 14, and shall direct that the Minister and the probation and after-care officer be informed as soon as practicable of the order made.

19/1957
S. 8 (b).
9/1985
S. 85.

(2) Where any court has, under this section, made an order directing that a juvenile be brought before a juvenile court, it shall be the duty—

- (a) of the complainant, if he is a constable, in the proceedings against the person having the custody, charge or care of the juvenile;
- (b) if that complainant is not a constable, of the senior constable present in court at the time that the order was made,

to bring the juvenile before the juvenile court.

PART IV. *Juvenile Courts and the Trial of Juvenile Offenders*

17. Arrangements shall be made by the Commissioner of Police for preventing a juvenile while detained in a police

Separation in
police
stations, etc.,
of juveniles
from adults.

station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court from associating with any adult, not being a relative, who is charged with any offence other than an offence with which the juvenile is jointly charged.

Bail or
detention
of juve-
niles.

19/2000
S. 23.

18.—(1) Where a person apparently a juvenile is apprehended, with or without warrant, and cannot be brought forthwith before a court, the officer or sub-officer of police in charge of the police station to which he is brought shall enquire into the case and may, in accordance with the Bail Act, release him on a recognizance being entered by him or his parent or guardian (with or without sureties) for such amount as will, in the opinion of the officer or sub-officer, secure his attendance upon the hearing of the charge, and shall so release him unless—

- (a) the charge is one of homicide or other grave crime; or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer or sub-officer has reason to believe that his release would defeat the ends of justice.

(2) Where a person apparently a juvenile is apprehended and is not released under subsection (1), the officer or sub-officer of police in charge shall cause him to be detained in a juvenile remand centre until he can be brought before a court.

9/1985
S. 85

Remand
or com-
mittal to
juvenile
remand
centre.
9/1985
S. 85

19.—(1) Any court on remanding or committing for trial a juvenile who is not released on bail shall commit him to custody in a juvenile remand centre named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law:

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court

certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained; and where the commitment so certifies he may be committed to such place, including an adult correctional centre, as may be specified in the commitment warrant.

9/1985
S. 85

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or, if application cannot conveniently be made to that court, by any court having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to such place including an adult correctional centre, as may be specified in the commitment warrant.

9/1985
S. 85

20.—(1) When a juvenile is charged with any offence or is for any other reason brought before a 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.

Attendance
at court of
parent of
juvenile
charged with
an offence,
etc.

(2) Where a juvenile is arrested or taken to a juvenile remand centre, the officer or sub-officer of police in charge of the police station in the district of the court before which the juvenile will appear shall cause the parent or guardian of that juvenile, if he can be found, to be warned to attend court.

9/1985
S. 85

(3) 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, and the provisions of the Justices of the Peace Jurisdiction Act shall, with the necessary adaptations and modifications, apply to the procedure on such summons.

(4) The parent or guardian whose attendance is required under this section 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
and after-
care
officer of
charges
against
juveniles.
9/1985
S.85.

42/1975
S. 7.

21.—(1) Where a juvenile is to be brought before any court charged with an offence, or is to be brought before a juvenile court as being in need of care or protection, 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 (a reasonable time before such date)—

(a) if the juvenile is to be brought before the court as being in need of care and protection, on a children's officer; and

(b) in any other case, on the probation and after-care officer, if any, of the district,

so, however, that no such notice shall be necessary in either case whenever a children's officer or the probation and after-care officer aforesaid, is the person bringing the juvenile before the court.

(2) Upon the receipt of the notice referred to in subsection (1), it shall be the duty of the probation and after-care officer on whom it is served, except in cases which appear to him to be of a trivial nature, 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 and after-care officer is able to obtain and as in his opinion is likely to be of assistance to the court.

22.—(1) Courts, to be known as juvenile courts, shall be constituted in accordance with the provisions of the Second Schedule and, when so constituted and sitting for the purpose of exercising any jurisdiction conferred on them by this or any other enactment, shall be deemed to have, subject to the provisions of this Act, all the powers of a Resident Magistrate's Court, and the procedure in the juvenile court, subject to the provisions of this Act, shall be the same as in the Resident Magistrate's Court.

Constitution of procedure in, and appeals from, juvenile courts. Second Schedule.

(2) The Governor-General may appoint, in respect of each juvenile court, a clerk and deputy clerk and such clerk and deputy clerk shall, in respect of the juvenile court to which they are so appointed, have all powers and perform all the duties which the clerk and deputy clerk have and perform in respect of a Resident Magistrate's Court:

Provided that it shall be lawful for any clerk and deputy clerk, respectively, assigned under section 7 of the Judicature (Family Court) Act, to exercise the like powers and perform the like duties as aforesaid in respect of the juvenile court constituted by virtue of paragraph 4 of the Second Schedule.

41/1975
2nd Sch.

(3) Without prejudice to the power to bring before a juvenile court by any other means any juvenile in need of care or protection, the attendance of a juvenile or of any other person before a juvenile court in accordance with the provisions of this Act may be enforced by the same officers, by the same process and in the same way as the attendance of persons before Justices may be enforced under the provisions of the Justices of the Peace Jurisdiction Act.

(4) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other enactment.

Second
Schedule.

(5) (a) A juvenile court shall sit in such place or places as may from time to time be specified under paragraph 3 of the Second Schedule as the place or places in which such court shall sit.

(b) Where no place is specified under paragraph 3 of the Second Schedule as the place in which a juvenile court shall sit, the juvenile 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.

(6) No person shall be present at any sitting of a juvenile court except—

19/1957
S. 8 (b).

(a) members and officers of the court, and any authorized person as defined in section 13;

9/1985
S. 85

(b) parties to the case before the court, their attorneys-at-law, 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 authorize to be present.

(7) Where a juvenile is brought before a juvenile 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.

(8) Where a juvenile is charged before a juvenile court with any offence 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.

(9) 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.

(10) An appeal shall lie from any decision of a juvenile court in the same manner and subject to the same procedure as an appeal from a Resident Magistrate's Court.

23.—(1) No charge against a juvenile and no application in relation to a juvenile in need of care or protection shall be heard by any court of summary jurisdiction which is not a juvenile court :

Jurisdiction
of juvenile
courts.

Provided that—

- (a) a charge made jointly against a juvenile and a person who has attained the age of seventeen years shall not be heard by a juvenile court; so, however, that where in the course of any proceedings before a juvenile court it appears that a person so jointly charged has attained the age of seventeen nothing in this paragraph shall be construed as preventing the juvenile court, if it thinks fit, from proceeding with the hearing and determination of those proceedings; and where it does so it shall be deemed to have in relation to the person who has attained the age of seventeen all the powers of a court of summary jurisdiction;
- (b) where a juvenile is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting,

causing, procuring, allowing or permitting that offence;

- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a juvenile, nothing in this subsection shall be construed as preventing that court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) Where—

(a) a child is charged with any offence; or

(b) a young person is charged with any offence other than an offence specified in the Third Schedule,

Third
Schedule.

the charge shall, subject to any right of appeal provided by this or any other enactment, finally be disposed of by a juvenile court, or if the charge is heard before a court of summary jurisdiction that is not a juvenile court, by that court of summary jurisdiction, without prejudice, however, to the provisions of section 26.

42/1969
3rd Sch.

(3) Where a young person is charged with an offence specified in the Third Schedule, proceedings for his committal for trial shall, subject to subsection (1), be heard in a juvenile court, and if on the termination of those proceedings the court, is satisfied that the young person should be committed for trial, the court shall so commit him and shall bind the young person charged, and the witnesses, by recognizance to appear at the court to which such young person is committed.

(4) No direction, whether contained in this or in any other enactment, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any Resident Magistrate or Justice to entertain an application for bail or for a remand and to hear such evidence as may be necessary for that purpose.

24.—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a juvenile may, if it thinks fit so to do, proceed with the hearing and determination of the charge or application notwithstanding that it is discovered that the person in question is not a juvenile.

Provisions as to powers of juvenile courts.

(2) Where a juvenile court has remanded a juvenile for information to be obtained with respect to him or for special observation, any juvenile court sitting in the same parish or place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court at least once in every thirty days;
- (b) when the required information has been obtained, may, subject to any right of appeal provided by this Act, deal with him finally,

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this section to hear evidence as to the commission of that offence, except in so far as may be considered that such evidence will assist the court in determining the manner in which he should be dealt with.

25. Where under the provisions of this Act a juvenile is tried before any court which is not a juvenile court, then such court shall have in relation to that juvenile all the powers of a juvenile court.

Court other than juvenile court to have powers of juvenile court.

26.—(1) Any court by or before which a juvenile is found guilty of an offence other than homicide may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place in which the offender resides. Where any such case is so

Power of other courts to remit juvenile offenders to juvenile courts.

remitted the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under subsection (1), but nothing in this subsection shall affect any right of appeal against a verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom as if he had been tried by and had pleaded guilty before the juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof and that the case has been remitted for the purpose of being dealt with under this section.

Methods of
dealing with
juvenile
offenders.

27.—(1) Where a juvenile has been found guilty of any offence before a juvenile court, that court may, subject to the provisions of this Act, make an order—

- (a) dismissing the case;
- (b) being a probation order under the Probation of Offenders Act;
- (c) 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 and after-care officer or some other person to be selected for the purpose by the Minister;

9/1985
S. 85
19/1957
S. 7(a).

- (d) committing the offender to the care of any fit person, whether a relative or not, who is willing to undertake the care of him;
- (e) where the offender is a young person, ordering the offender to pay a fine, damages or costs;
- (f) sending the offender to a juvenile correctional centre; 9/1985
S. 85
- (g) ordering the parent or guardian of the offender to pay a fine, damages or costs;
- (h) ordering the parent or guardian of the offender to enter into a recognizance for the good behaviour of such offender.

(2) 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.

(3) 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 with or without hard labour as if he had been convicted of the offence in respect of which the juvenile was charged.

(4) A parent or guardian may appeal against an order made against him under this section as if he had been convicted by a Resident Magistrate's Court of the offence in respect of which the juvenile was charged.

(5) Where an order has been made under paragraph (f) of subsection (1) in respect of an offender who is a young person, and the Minister at any time during the period of his detention at a juvenile correctional centre, establishes to the satisfaction of a juvenile court that he is of so recalcitrant a character that it is not expedient that he should continue his detention at such centre, the court may, notwithstanding anything to the contrary, direct that the 60/1955
S. 2.
19/1957
S. 7 (a), (b).
9/1985
S. 85

offender be detained in such place (including an adult correctional centre) and for such time not exceeding the unexpired portion of the period during which he could have been retained in the juvenile correctional centre under the authority of the said order, and on such conditions as the court may think fit.

Enforcement
of recog-
nizance.

28. If it appears to a court that any person, having entered into a recognizance under section 14 or 27, 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 to be paid by a court of summary jurisdiction upon summary conviction of an offence.

Restriction
on punish-
ment.
30/1975
S. 2.

29.—(1) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he 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 anything in the other provisions of this Act, be liable to be detained in such place (including, save in the case of a child, an adult correctional centre) and under such conditions as the Minister may direct, and while so detained shall be deemed to be in legal custody.

9/1985
S. 85

(2) A juvenile shall not be sentenced to imprisonment, whether with or without hard labour, for any offence, or be committed to an adult correctional centre in default of payment of any fine, damages or costs.

9/1985
S. 85

(3) Where a young person is convicted of an offence specified in the Third Schedule and the court is of opinion

Third
Schedule.

that none of the other methods in which the case may legally 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 anything in the other provisions of this Act, be liable to be detained in such place (including an adult correctional centre) and on such conditions as the Minister may direct and while so detained shall be deemed to be in legal custody.

9/1985
S. 85

(4) The Governor-General 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-General may direct, and may at any time be revoked or varied by the Governor-General. Where such licence is revoked the person to whom it relates shall return forthwith to such place as the Governor-General may direct, and if he fails to do so may be arrested by any constable without warrant and taken to such place.

30. A court shall not order a child under the age of twelve years to be sent to a juvenile correctional centre unless for any reason the court is satisfied that he cannot suitably be dealt with otherwise.

Restriction on committal to juvenile correctional centre.
9/1985
S. 85

31.—(1) Where a juvenile has been placed under the supervision of a probation and after-care officer or any other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment, and may, if it appears necessary in his interest so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks it is desirable in his interest so to do, order him to be sent to a juvenile correctional centre or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

Special provisions relating to probation.
9/1985
S. 85

9/1985
S. 85

(2) Where the court before which any person is bound by his recognizance or in respect of whom a probation order is made under the Probation of Offenders Act, is a juvenile court, the attainment by that person of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognizance or of jurisdiction to vary or discharge the recognizance.

Provisions
relating to
committal
to juvenile
correctional
centre.
9/1985
S. 85

32.—(1) A court, before making a correctional order with respect to any juvenile, shall endeavour to ascertain the religious persuasion of the juvenile.

(2) Every correctional order shall contain a declaration—

- (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 at the same time been made under section 82, stating the amount of such contribution and by whom it is payable.

9/1985
S. 85

(3) Every court which makes a correctional 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,

19/1957
S. 8 (b).

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

9/1985
S. 85

(4) Pending the admission into a juvenile correctional centre of a juvenile in respect of whom a correctional order is made the juvenile shall, unless the court which made the order has otherwise directed, or a juvenile court acting for the same parish or place as the court which made the

order otherwise directs, be detained in a juvenile remand centre. 9/1985
S. 85

(5) Where a court orders a child to be sent to a juvenile correctional centre, the order shall be the authority for his detention in a juvenile correctional centre until the expiration of the 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. 9/1985
S. 85

(6) Where a court orders a young person to be sent to a juvenile correctional centre, the order shall be the authority for his detention in a juvenile correctional centre— 9/1985
S. 85

(a) if at the date of the order he has not attained the age of sixteen years, 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 a correctional order has been made attains the age of seventeen years during the continuance of such order, the provisions of this Act shall continue to be applicable to him until he attains the age of eighteen years as if he were a juvenile. 9/1985
S. 85

(8) A juvenile detained under any correctional order and while being conveyed to or from any juvenile correctional centre shall be deemed to be in legal custody. 9/1985
S. 85

33.—(1) A court before making an order under this Act committing a juvenile to the care of a fit person, shall endeavour to ascertain the religious persuasion of the juvenile. Provisions relating to committal to fit persons.

(2) Every order committing a juvenile to the care of a fit person shall contain a declaration—

- (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 at the same time been made under section 82, stating the amount of such contribution and by whom it is payable.

(3) Every court which makes an order committing a juvenile to the care of a fit person 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,

19/1957
S. 8 (b).

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

(4) Pending the delivery to a fit person of a juvenile who has been committed to the care of a fit person, the juvenile shall, unless the court which made the order has otherwise directed, or a juvenile court acting for the same parish or place as the court which made the order otherwise directs, be detained in a place of safety.

(5) Every order, other than an interim order, committing a juvenile to the care of a fit person shall subject to the provisions of this Act, remain in force until the juvenile attains the age of eighteen years.

19/1957
S. 8 (b).

(6) An order committing a juvenile to the care of a fit person may, on the application of the Minister, be varied or revoked by a juvenile court acting for the same parish or place as the court that made the order, and such juvenile court may, on such application, make such order subject to the provisions of this Act in relation to the juvenile as it considers necessary in the interests of the welfare of the juvenile.

34. No person shall be committed to any juvenile correctional centre after it has ceased to be such a centre under the Corrections Act.

No committal to centre which has ceased to be juvenile correctional centre. 9/1985 S. 85.

PART V. *Persons to Whose Care Juvenile may be Committed*

- 35. [Deleted by Act 9 of 1985, Section 85.]
- 36. [Deleted by Act 9 of 1985, Section 85.]
- 37. [Deleted by Act 9 of 1985, Section 85.]
- 38. [Deleted by Act 9 of 1985, Section 85.]
- 39. [Deleted by Act 9 of 1985, Section 85.]
- 40. [Deleted by Act 9 of 1985, Section 85.]
- 41. [Deleted by Act 9 of 1985, Section 85.]

Fit Persons

42.—(1) Upon the receipt by the Minister of an order, delivered under subsection (3) of section 33, committing a juvenile to the care of a fit person, the Minister shall select the fit person to whose care the juvenile is to be committed and shall endorse upon the order the name of such person.

Steps to be taken by Minister on receipt of order committing juvenile to fit person. 19/1957 S. 8 (b).

(2) An order committing a juvenile to the care of a fit person endorsed in the manner provided by subsection (1) shall be a sufficient authority for the person named in the endorsement to receive and care for the juvenile in accordance with the provisions of this Act.

(3) In selecting the person to whose care a juvenile is to be committed, the Minister shall have regard to the religious persuasion of the juvenile.

43.—(1) The Minister may at any time order a person under the care of a fit person to be transferred to the care of some other person.

Transfer of persons under care of fit persons. 19/1957 S. 8 (b).

(2) Upon a person being transferred in accordance with the provisions of subsection (1) the Minister shall cause notice thereof to be sent to the person liable to make contributions in respect of him.

Emigration,
etc., of
juveniles.
26/1964
S. 2.

44.—(1) Subject to the provisions of this section, it shall be lawful for a juvenile who is by an order under this Act committed to the care of a fit person to emigrate or be taken out of Jamaica with the written consent of the Minister.

(2) In giving his consent the Minister may impose such terms and conditions as he may think fit.

(3) The Minister shall not give his consent unless he is satisfied that it would be for the benefit of the juvenile, and that suitable arrangements have been made, or will be made for the juvenile's reception and welfare in the country to which he is going, that the parents or guardian of the juvenile have been consulted or that it is not practicable to consult them, and that the juvenile consents:

Provided that where the juvenile is too young to form or express a proper opinion on the matter, the Minister may consent to his emigrating, or being taken out of Jamaica, notwithstanding that the juvenile is unable to consent thereto.

Rights and
powers of fit
persons.

45. The person to whose care a juvenile is committed or transferred by an order made under this Act shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of the juvenile's maintenance as if he were his parent, and the juvenile so committed or transferred shall continue in his care notwithstanding any claim by a parent or other person.

Rules relat-
ing to fit
persons.
19/1957
S. 8 (b).

46. The Minister may make rules, not inconsistent with the provisions of this Act or any regulations made thereunder, as to the manner in which juveniles committed or

transferred to the care of fit persons are to be dealt with, and as to the duties and supervision of the persons to whose care they are committed or transferred, and as to the sums which may be payable out of the Consolidated Fund to such persons towards the maintenance and education of juveniles committed or transferred to their care; and different sums may be specified for different cases or classes of case.

PART VI. *Legal Provisions Relating to Juveniles*

47.—(1) Any constable may take into custody, without warrant, any person who—

Power to take offenders into custody.

(a) commits, within his view, any of the offences mentioned in the First Schedule;

First Schedule.

(b) has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule if the constable has reasonable ground for believing that that person will abscond, or if the constable does not know and cannot ascertain that person's name and address.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the officer or sub-officer of police in charge of the police station to which that person is brought shall, unless in his belief the release of that person on bail would tend to defeat the ends of justice, or to cause injury or danger to the juvenile against whom the offence is alleged to have been committed, grant the person bail in accordance with the Bail Act.

19/2000
S. 23.

48. Where, in any proceedings with relation to any of the offences mentioned in the First Schedule the court is satisfied that the attendance before it of any juvenile in respect of whom the offence is alleged to have been committed is not

Power to hear case in absence of juvenile.

essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the juvenile.

Extension
of power
to take
deposi-
tion of
juvenile.
First
Schedule.

49.—(1) Where a Justice is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any juvenile, in respect of whom any of the offences mentioned in the First Schedule is alleged to have been committed, would involve serious danger to his life or health, the Justice may take in writing the deposition of the juvenile on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the day when and place where it was taken, and of the names of the persons (if any) present at the taking thereof.

(2) The Justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed;
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

Admis-
sion in
evidence
of
deposi-
tion of
juvenile.
First
Schedule.

50. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any juvenile, in respect of whom the offence is alleged to have been committed, would involve serious danger to his life or health, any deposition of the juvenile taken under Part II of the Justices of the Peace Jurisdiction Act, or under this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the Justice by or before whom it purports to be taken:

Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his attorney-at-law had, or might have had if he had chosen to be present, an opportunity of cross-examining the juvenile making the deposition.

9/1985
S. 85

51.—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule in respect of two or more juveniles, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each juvenile except upon separate informations.

Mode of charging offence and limitation of time.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offence of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) Where any offence mentioned in the First Schedule charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons or indictment the date of the acts constituting the offence.

52. No child, other than an infant in arms, shall be permitted to be present in court during the trial of any other person charged with any offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the

Restriction on presence of juvenile in court.

purpose of justice; and any child present in court when under this section he is not to be permitted to be so present shall be ordered to be removed.

Power to
clear court
when
juvenile
giving
evidence.

9/1985
S. 85

53.—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a juvenile is called as a witness, the court may direct that all or any persons not being members or officers of the court or parties to the case, their attorneys-at-law, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness:

Provided that nothing in this section shall authorize the exclusion of *bona fide* representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings *in camera*.

Evidence of
child of
tender
years.

54.—(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 understand 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 Act, or of this Part, shall be deemed to be a deposition within the meaning of that section and that Part respectively:

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 other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid 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 Act.

55.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a juvenile, the court shall make due enquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall, for the purposes of this Act, be deemed not to be a juvenile.

Determination of age.

(2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule, except offences against sections 45, 48, 50, 51, 57, 58, 60 and 61 of the Offences against the Person Act, it is alleged that the person by or in respect of whom the offence was committed was a juvenile, young person or child or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a juvenile, young person or child or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a juvenile, young person or child or to have been

First Schedule.

under or to have attained that age, as the case may be, unless the contrary is proved.

Power to prohibit publication of certain matters.

56.—(1) In relation to any proceedings in any court which arise out of any offence against, or any conduct contrary to, decency or morality, the court may direct that—

(a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any juvenile concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;

(b) no picture shall be published in any newspaper as being or including a picture of any juvenile so concerned in the proceedings as aforesaid, except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any directions given under subsection (1) shall be guilty of an offence against this Act.

Restriction on newspaper reports of proceedings in juvenile courts.

57.—(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 Act.

PART VII. *Children's Homes*

58. In this Part—

“lawful guardian” means any person appointed according to law or by deed or will or the order of a court to be the guardian of a child, or to have the custody and maintenance of a child;

“licence” means a licence granted under this Part;

“licensed home” means a children’s home licensed under this Part;

“licensee” means the holder of a licence under this Part.

Interpretation for Part VII

59.—(1) No person shall establish or maintain a children’s home (hereinafter in this Part referred to as a home) except under a valid licence granted to him by the Minister in respect of the home :

Licences. 19/1957 S. 8 (b).

Provided that nothing in this subsection shall apply to—

- (a) a juvenile correctional centre;
- (b) any school, other than a school required by the Minister to be licensed;
- (c) any house where four or more children are boarded and maintained by relatives of such children, or by the wish or with the consent of the parents or lawful guardians of such children, save in cases where the Minister, by notice in writing, expressly requires any such house to be licensed;
- (d) any home or orphanage maintained wholly by the Government of Jamaica.

9/1985 S.85.

(2) Save with the prior written permission of the Minister, no licence shall be transferred into the name of any person other than the licensee.

(3) Save with the prior written permission of the Minister, no person shall maintain a home at any address or location other than that provided for in the licence granted in respect of the home.

Application
for licence.
19/1957
S. 8 (b).

60. It shall be the duty of every person who desires to establish and maintain a home to make application to the Minister, in the prescribed form and manner, for a licence.

Powers of
Minister in
respect of
licences.
19/1957
S. 8 (b).

61.—(1) The Minister, in his discretion, may refuse to grant a licence in respect of any home, and, similarly, may refuse to transfer or to renew a licence.

(2) The Minister, in granting a licence, may attach thereto such terms and conditions as he may, in any case, think fit.

(3) Where, in connection with any licensed home, the Minister is of opinion that there has been any contravention of any of the provisions of this Act, or of the terms and conditions of any licence, the Minister may cancel any licence issued in respect of such home, or may suspend the licence for such period as he thinks fit, and may apply to the Court under section 69 for an order or an interim order for the removal of any child or children from the home.

Appeals.
19/1957
S. 8 (b).

62.—(1) An appeal shall lie to a Judge in Chambers against—

- (a) any refusal of the Minister to grant, transfer or renew a licence;
- (b) any term or condition imposed in a licence;
- (c) any decision of the Minister to suspend or cancel a licence;
- (d) any decision of the Minister under the proviso to subsection (1) of section 59 requiring a school or house to be licensed.

(2) Every appeal under this section shall be lodged within fourteen days of the date on which the aggrieved party is notified of the refusal or decision of, or the terms or conditions imposed by, the Minister, and the procedure on such appeal shall be in accordance with rules of court made for such purposes.

(3) Where an appeal has been lodged under this section, the Minister, pending the determination of the appeal, may apply to a Resident Magistrate under section 69 for an interim order for the removal of any child from the home to which the appeal relates.

63. It shall be the duty of every licensee to ensure that every child in his home receives at all times careful and humane treatment and suitable education, and that all the provisions of this Part and all the terms and conditions of the licence and the directions of the Minister are at all times complied with in respect of the home and every child maintained therein.

Responsibility of licensees.

19/1957
S. 8 (b).

64.—(1) A licensee shall notify the Minister in writing of the name, sex, age and date of reception of every child who is received into his home, and every such notification shall be made within forty-eight hours after the reception of the child into the home and shall contain such further particulars as may from time to time be prescribed.

Notification of reception of children.
19/1957
S. 8 (b).

(2) The licensee shall, after such notification, supply the Minister with all such particulars relating to any such child as the Minister in any case may require.

65.—(1) Save where a child is removed from a home by his parent or parents or under an order of a court, a licensee shall not permit any child to leave, or to be removed or transferred from, the licensee's home, without first giving the Minister seven days notice in writing of such impending removal or transfer, and except in the case of a transfer

Removal or death of children.

19/1957
S. 8 (b).

to another licensed home, without first obtaining the written permission of the Minister.

(2) A licensee shall forthwith notify the Minister if any child is absent for more than twenty-four hours from his home without the permission of the licensee.

(3) A licensee shall forthwith notify the Minister of the death of any child maintained in his home, or of the removal therefrom of any such child by the child's parent or parents or under an order of a court.

Power to
visit and in-
spect homes.
19/1957
S. 8 (b).

66. At all reasonable times—

- (a) any person authorized by the Minister; or
- (b) the Chief Medical Officer or any person authorized by him; or
- (c) an officer of the Jamaica Constabulary Force, not below the rank of Assistant Superintendent, may visit and inspect any home for the purpose of verifying that the home is licensed and of ensuring that the home is properly administered and that the children are receiving care and attention therein.

Warrant to
visit and in-
spect.

67. Where any person empowered under the provisions of section 66 to visit and inspect a home has been refused admission to a home or to any place where he has reason to believe—

- (a) that an unlicensed home is being maintained; or
- (b) that there is any contravention of any of the provisions of this Part or of the terms or conditions of any licence granted, or of any directions given, by the Minister thereunder; or
- (c) that any child is being maltreated or neglected or illegally detained,

he may apply to a Justice who may grant a warrant authorizing the person making application to him, or any constable, to enter the home or place at any time of the day

19/1957
S. 8 (b).

or night and, with such assistance and by such force as may be necessary, to carry out the visit and inspection.

68.—(1) If the Minister is satisfied that the management of any licensed home, or the accommodation provided for, or the treatment of, the children therein, is such as to endanger or to be likely to endanger their welfare, he may serve upon the licensee of the home such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children in the home.

Control over
licensed
homes.
19/1957
S. 8 (b).

(2) A direction under this section—

- (a) may be served on the licensee of a home by being delivered personally to him, or by being sent, by post or otherwise, in a letter addressed to him at the home;
- (b) may be varied by a subsequent direction, or may be withdrawn by the Minister.

69.—(1) Where the Minister—

- (a) in exercise of the powers conferred on him by section 61, has cancelled or suspended a licence or has refused to renew a licence; or
 - (b) has reasonable grounds for believing that—
 - (i) any home is maintained in contravention of any of the provisions of this Part or of any of the terms and conditions of a licence granted, or of any direction given by the Minister thereunder; or
 - (ii) that any child is being maltreated or neglected or illegally detained in any home,
- any person authorized by the Minister in that behalf may apply to a Resident Magistrate for an order directing the Minister to remove any child or children from such home to a place of safety to be specified in the order, and making

Order to
remove
child from
home.
19/1957
S. 8 (b).

any necessary arrangements for the future of the child or children.

L.Nn.
149/78
60/80

(1A) In subsection (1) of this section, and in subsection (3) of section 62, any reference to a Resident Magistrate, in so far as it relates—

- (a) to a Resident Magistrate for the parish of Kingston or for the parish of Saint Andrew, shall with effect from the 13th day of November, 1978, be construed as a reference to a Judge of the Family Court—Corporate Area Region; and
- (b) to a Resident Magistrate for a parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the *Judicature (Family Court) Act*, shall, with effect from the date on which any such Court is established, be construed as a reference to a Judge of that Family Court.

(2) The court may make interim orders under this section upon application made by the Minister under this Act.

(3) An order for the removal of any child or children under this section shall operate as an authority to any constable or other person authorized to execute the order to enter any place at any time of the day or night and with such assistance and by such force as may be necessary to remove therefrom the child or children.

PART VIII. *Employment of Juveniles*

Interpreta-
tion for
Part VIII.

70. In this Part—

“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;

“industrial undertaking” includes—

- (a) a mine, quarry, distillery or brewery, or a sugar, spirit compounds, 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 shall not include any agricultural undertaking;
- (b) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundation of any such work or structures;
- (c) transport of passengers or goods by road, air, rail, or inland waterway, including the handling of goods at docks, wharves, airports and warehouses but excluding transport by hand;

“night work”, means work in an industrial undertaking during any portion of a period of eleven consecutive hours including the hours of ten o’clock in the evening and five o’clock in the morning;

“ship” means any sea-going ship or boat of any description which is registered as a British ship and which is habitually used only for voyages from one port to another in Jamaica.

71.—(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—

Restriction on employment of children under twelve.

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

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

Restriction of employment of juveniles.

72. No juvenile shall be employed—

- (a) if under the age of fifteen years, in any industrial undertaking; or in or upon any ship, other than a ship where only members of his family are employed; or
- (b) if under the age of sixteen years, in any night work.

Responsibility for contravention.

73. Where any person is employed in contravention of any of the provisions of this Part, any person to whose act, default or representations the contravention is attributable shall be guilty of an offence against this Act.

Search warrant.

74. If it is made to appear to a Justice that there is reasonable cause to believe that any of the provisions of this Part or of any regulations made thereunder are being contravened with respect to any person, the Justice may by warrant authorize any constable to enter any place in or in connection with which such person is, or is believed to be, employed, and to make all necessary enquiries therein.

No child under 16 years old to be employed to feed a sugar mill.

75.—(1) No person shall employ, for reward or otherwise, any boy or girl under sixteen years of age in or about the feeding or working of a sugar mill.

In any prosecution for contravening the provisions of this section it shall not be necessary to prove the age of any boy or girl employed; but if such boy or girl appears to the Justices before whom any person is charged with employing him or her, to be under sixteen years of age,

the burden of showing that he or she is above the said age shall lie on the party accused.

(2) Every constable, and every person having special or general authority for the purpose in writing, from the Commissioner of Police, may at all reasonable times enter any premises whereon is any sugar mill and inspect the mill, and where it appears to him that any person feeding the rollers is under sixteen years of age may inquire into the age of such person.

(3) Any person contravening any of the provisions of this section, or refusing or neglecting to comply with any requirements made under authority of this section, or obstructing any person in the lawful exercise of the powers given by this section, shall be liable, on summary conviction, to a penalty not exceeding ten dollars, and on a second or subsequent conviction within twelve calendar months of a previous conviction to a penalty not exceeding forty dollars.

76. Nothing in this Part contained shall be deemed to apply to the exercise of manual labour by any juvenile under order of detention in a juvenile correctional centre or by any juvenile receiving instruction in manual labour in any school. Saving.
9/1985
S. 85

PART IX. Supplementary

77. *[Deleted by Act 9 of 1985, Section 85.]*

77A. *[Deleted by Act 9 of 1985, Section 85.]*

77B. *[Deleted by Act 9 of 1985, Section 85.]*

77C. *[Deleted by Act 9 of 1985, Section 85.]*

78.—(1) A juvenile who runs away from a person to whose care he has been committed under this Act may be Escape
from fit
persons.
9/1985
S. 85

[The inclusion of this page is authorized by L.N. 87/1986]

apprehended without warrant by a constable or an authorized person as defined by section 13 and brought back to that person if that person is willing to receive him, and if that person is not willing to receive him, such juvenile may be taken before a juvenile court which may make an order in respect of him as if he had been brought before the court in need of care and protection.

(2) Any person who knowingly—

- (a) assists or induces a juvenile to run away from a person to whose care he has been committed; or
- (b) harbours or conceals a juvenile who has so run away and prevents him from returning,

shall be guilty of an offence against this Act.

Miscellaneous
offences.

79.—(1) Every person who—

- (a) refuses to permit any person empowered under section 66 to visit or inspect any children's home, or who hinders or obstructs any person so empowered when so visiting or inspecting;
- (b) refuses to comply with the terms of a warrant granted under section 67 upon such warrant being produced and read over to him, or who hinders or obstructs any constable or person authorized to execute the warrant;
- (c) refuses to comply with an order or interim order made under section 69 upon such order or interim order being produced and read over to him, or who hinders or obstructs any constable or other person authorized to execute the order or interim order;
- (d) contravenes any of the provisions of Part VII or Part VIII;
- (e) contravenes any of the terms or conditions of any licence granted under Part VII;

(f) contravenes any general or special direction served by the Minister under section 68; 19/1957
S. 8 (b).

(g) knowingly gives, or causes or procures any other person to give, any false or misleading information in, or in connection with, any notification, notice or return required by the provisions of Part VII;

(h) refuses to answer or answers falsely any enquiry authorized by or under section 74,

shall be guilty of an offence against this Act.

(2) Subject to the provisions of subsection (3), an offence under this section committed— L.Nn.
149/78
60/80

(a) in the parish of Kingston or in the parish of Saint Andrew, shall, with effect from the 13th day of November, 1978, be triable by the Family Court—Corporate Area Region; and

(b) in a parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act shall, with effect from the date on which such Court is established, be triable by that Family Court.

(3) Subsection (2) does not apply to any offence mentioned in Part VIII or in paragraph (h) of subsection (1) of this section. 41/1975
2nd Sch.

80. Any person guilty of an offence against this Act or any regulations made thereunder for which no special punishment is provided shall be liable, on summary conviction before a Resident Magistrate, or a Judge of a Family Court (as the case may require) to a fine not exceeding fifty dollars, and in default of payment to imprisonment with hard labour for a term not exceeding three months, and in the case of a continuing offence to a further fine not exceeding four dollars for each day on which the offence continues after conviction. General
penalty.

41/1975
2nd Sch.
L.Nn.
149/78
60/80

Contributions.

9/1985
S. 85

81.—(1) Where an order has been made by a court committing a juvenile to the care of a fit person, or sending him to a juvenile correctional centre, 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 the care of a fit person contributions under this Act shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the juvenile.

(3) Where a juvenile has been committed to a juvenile correctional centre, contributions under this Act shall be payable to the Commissioner of Inland Revenue.

9/1985
S.85
12/1985
Sch.

Contribution orders.
9/1985
S. 85

82.—(1) Where an order has been made committing a juvenile to the care of a fit person or to a juvenile correctional centre—

- (a) the court which makes that order may at the same time; or
- (b) subject to the provisions of section 83A, any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing, on the application of the person to whose care the juvenile is committed, or in the case of committal to an approved school, of the Minister, may,

41/1975
2nd Sch.

2/1973
S. 4 (a).

make a contribution order on any person who is, under section 81, liable to make contributions in respect of the juvenile requiring that person to contribute such weekly sum, not exceeding eight dollars in respect of each juvenile, as the court having regard to his means thinks fit.

2/1973
S. 4 (b).

(2) A contribution order shall, unless varied or revoked, remain in force so long as the juvenile remains in the care of the fit person or juvenile correctional centre, 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. 9/1985
S. 85

(3) A contribution order shall be enforceable— 2/1973
S. 4.

(a) where a juvenile has been committed to the care of a fit person, at the instance of the person to whom the contributions are payable; or

(b) where a juvenile has been committed to a juvenile correctional centre, at the instance of the Minister, in the same manner as an affiliation order made under the Affiliation Act. 9/1985
S. 85

(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 shall be guilty of an offence against this Act.

83.—(1) Where a juvenile who is ordered by a court to be committed to the care of a fit person, or to be sent to a juvenile correctional centre, is illegitimate, and an affiliation order for his maintenance is in force— Provisions
as to affilia-
tion order.
9/1985
S. 85

(a) that court may at the same time; or

(b) subject to the provisions of section 83A, any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing, on the application of the person who would be entitled to apply for a contribution order, may, 41/1975
2nd Sch.

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 81.

(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 gives a notice false in any material particular, he shall be guilty of an offence against this Act.

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

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

Reference
in section
82 or 83
to court
for King-
ston or
Saint
Andrew
is to
Family
Court.
L.Nn.
149/78
60/80

83A. Any reference in paragraph (b) of subsection (1) of section 82 or 83 to a court having jurisdiction in any place of residence for the time being shall—

- (a) in relation to a place aforesaid in the parish of Kingston or the parish of Saint Andrew, be construed, with effect from the 13th day of November, 1978, as a reference to the Family Court—Corporate Area Region; and
- (b) in relation to a place aforesaid in a parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act, be construed, with effect from the date on which such Court is established, as a reference to that Family Court.

84. A correctional order, an order, other than an interim order, committing a juvenile to the care of a fit person, a contribution order, and an order under section 83, shall be in the appropriate form set out in the Fifth Schedule, and such forms may be amended or revoked and different and additional forms may be prescribed by regulations made under section 85.

Forms.
9/1985
S. 85

Fifth
Schedule.

85. The Minister may make regulations generally for giving effect to the provisions of this Act, and, without prejudice to such general power, may make regulations—

Regulations.
19/1957
S. 8 (b).

(a) providing for the constitution, duties and powers of the Council and for all matters connected with or incidental to the proper and effective operation by the Council of their functions;

(b) providing for the licensing, regulation and control of children's homes, for ensuring the proper care, accommodation, upbringing, maintenance and education of children in such homes and for all purposes and matters connected therewith;

(c) with respect to the exercise of powers of entry conferred by sections 67 and 69.

19/1957
S. 8 (b).

86. The amendments effected by the Schedule to the Prevention of Crime (Special Provisions) Act, 1963, shall not apply to a juvenile, so, however, that nothing in this section shall prevent the application to a juvenile of the amendment of section 50 of the Offences against the Person Act, in so far as that amendment permits a special statutory defence in the case of a man of twenty-three years of age or under charged with an offence under that section.

Exclusion
of Schedule
to Act 42
of 1963.
2/1973
S. 5.

JUVENILES

FIRST SCHEDULE

(Sections 2,
11, 12, 14, 16,
47, 48,
49, 50,
51, 55)

1. The murder or manslaughter of a juvenile.
2. Infanticide.
3. Any offence under Part III of this Act.
4. Any offence under section 28, 48, 50, 51, 57, 64, 65, or 69 of the Offences against the Person Act and any offences against a juvenile under section 39, 40, 44, 45, 47, 53, 58, 59, 60, 61, 76, 77 or 79 of such Act.
5. Any offence involving bodily injury to a juvenile.

SECOND SCHEDULE

(Section 22)

41/1975
2nd Sch.

1. In each parish outside the parishes of Kingston and Saint Andrew, the Minister shall appoint to a special panel of Justices those Justices whom he may consider to be specially qualified to deal with juvenile cases, and no Justice of the Peace shall be qualified to sit as a member of a juvenile court unless he is a member of such a panel.

41/1975
2nd Sch.

2. Subject to the provisions of paragraph 4, a juvenile court shall be constituted of a Resident Magistrate as chairman, and two Justices, one of whom shall be a woman, and both of whom shall be members of the panel referred to in paragraph 1:

Provided that—

- (1) the court shall be deemed to be fully constituted where the chairman and only one such Justice sit;
- (2) until the panel referred to in paragraph 1 is prepared, the court shall be constituted of a Resident Magistrate alone.

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3. Without prejudice to the provisions of subsection (3) of section 41/1975 2nd Sch.
4 and subsection (2) of section 6 of the Judicature (Family Court) Act, the Minister may by order specify as respects any parish the place or places in which juvenile courts shall sit.

4. As from—

- (a) the 13th day of November, 1978, in respect of the parish of Kingston or the parish of Saint Andrew; and
 - (b) the date on which a Family Court is established pursuant to Part II of the Judicature (Family Court) Act, in respect of a parish within the geographical jurisdiction of such Court,
- the Family Court shall be the juvenile court and shall be deemed to be duly constituted as such, at any sitting of a Family Court for the purpose of exercising its jurisdiction in the capacity of such juvenile court, notwithstanding that it be constituted of a single Judge of a Family Court.

THIRD SCHEDULE (Sections 23 and 29)

1. Murder or manslaughter.
2. Treason.
3. Infanticide.
4. Any offence under section 8, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 29, 30, 31, 44, 48, 50, 51, 55, 56, 58, 59, 60, 61 or 69 of the Offences against the Person Act.
5. Any offence under section 37 or 43 of the Larceny Act.
6. Any firearm offence as defined in the Gun Court Act.

8/1974
S. 20.

FOURTH SCHEDULE

[Deleted by Act 9 of 1985, Section 85]

FIFTH SCHEDULE (Section 84)

FORM I

The Juveniles Act

Correctional Order

To the Minister, and to all persons authorized by the said Minister, and to the Managers of the juvenile correctional centre named in the endorsement hereon;

9/1985
S. 85
19/1957
S. 8 (d).

JUVENILES

Whereas (1).....a juvenile was brought before the (2) juvenile court for the parish of (3)(4) as being in need of care or protection, or by his parent or guardian as being uncontrollable by such parent or guardian, or charged with the offence of (5).....;

And whereas the (4) said court, or the juvenile court for the parish of (3).....to which the matter was remitted in accordance with the provisions of the Juveniles Act, considered it expedient and in the best interests of the welfare of the said juvenile to make an order sending the said juvenile to a juvenile correctional centre.

9/1985
S. 85

These, therefore, are to command you the said Minister and all persons authorized by the said Minister to detain the said juvenile (2) in a place of safety until the name of a juvenile correctional centre is endorsed hereon by the Minister and then to take the said juvenile to the said juvenile correctional centre and deliver him to the Managers thereof; and to command you, the Managers of the juvenile correctional centre 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 Act.

It is hereby declared that—

- (a) the age of the said juvenile is (6)..... years.....months, being born on (6)
- (b) his religious persuasion is (7).....;
- (c) a contribution order in the sum of (8)..... a week payable by (9).....being the (9).....of the said juvenile has been made.

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

Given under my hand this (10).....day ofat (11)..... in the parish of (3)..... (12).....

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ENDORSEMENT

The juvenile correctional centre to which the said juvenile shall be sent is the (13)..... 9/1985 S. 85

Dated this (10)..... (14).....

The said juvenile shall be transferred from the abovenamed juvenile correctional centre to the (13)..... 9/1985 S. 85

Dated this (10)..... (14).....

- (1) State full name.
- (2) Amend, if necessary.
- (3) State name of parish.
- (4) Strike out inapplicable alternatives.
- (5) State nature of offence.
- (6) State age and date of birth.
- (7) State religious persuasion, if ascertainable.
- (8) State amount, if contribution order made.
- (9) State name and status of person by whom contributions payable if contribution order made.
- (10) State date.
- (11) State place.
- (12) Signature of the proper officer of the court.
- (13) State name of approved school.
- (14) Signature of person authorized by the Minister.

19/1957 S. 8 (d).

FORM II

(Section 84)

The Juveniles Act

Order Committing Juvenile to Care of Fit Person

To the Minister, and to all persons authorized by the said Minister, and to the fit person named in the endorsement hereon willing to undertake the care of the juvenile. 19/1957 S. 8 (d).

Whereas (1).....a juvenile was brought before the (2) juvenile court for the parish of (3)(4) as being in need of care

[The inclusion of this page is authorized by L.N. 87/1986]

JUVENILES

or protection, or by his parent or guardian as being uncontrollable by such parent or guardian, or charged with the offence of (5)

And whereas the (4) said court, or the juvenile court for the parish of (3).....to which the matter was remitted in accordance with the provisions of the Juveniles Act, considered it expedient and in the best interests of the welfare of the said juvenile to make an order committing the said juvenile to the care of a fit person who is willing to undertake the care of him;

These, therefore, are to command you the said Minister and all persons authorized by the said Minister to detain the said juvenile (2) in a place of safety until the name of a fit person willing to undertake the care of the juvenile is endorsed hereon by the Minister and then to take the said juvenile to the said fit person and deliver him to the said fit person; and to command you, the said fit person 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 Act.

It is hereby declared that—

- (a) the age of the said juvenile is (6).....yearsmonths, being born on (6).....;
- (b) his religious persuasion is (7).....;
- (c) a contribution order in the sum of (8)..... a week payable by (9).....being the (9).....of the said juvenile has been made.

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

Given under my hand this (10).....day of at (11) in the parish of (3)..... (12).....

ENDORSEMENT

The fit person to whose care the said juvenile shall be committed is (13).....

Dated this (10)..... (14).....

The said juvenile shall be transferred from the care of the above-named fit person to the care of (13).....

Dated this (10)..... (14).....

- (1) State full name.
- (2) Amend, if necessary.
- (3) State name of parish.
- (4) Strike out the inapplicable alternatives.
- (5) State nature of offence.
- (6) State age and date of birth.
- (7) State religious persuasion, if ascertainable.
- (8) State amount, if contribution order made.
- (9) State name and status of person by whom contributions payable if contribution order made.
- (10) State date.
- (11) State place.
- (12) Signature of the proper officer of the court.
- (13) State name of fit person willing to undertake the care of the juvenile.
- (14) Signature of person authorized by the Minister.

19/1957
S. 8 (d).

FORM III

(Section 84)

*The Juveniles Act
Contribution Order*

Whereas an order committing (1)..... a juvenile (2) to the care of a fit person, or to a juvenile correctional centre has (2) this day, or on the (3).....been made by (2) this court, or by a juvenile court;

9/1985
S. 85

[The inclusion of this page is authorized by L.N. 87/1986]

JUVENILES

9/1985
S. 85

(4) And whereas (5).....(2) the fit person to whose care, or the superintendent of the juvenile correctional centre to which, the said juvenile was committed has made application for a contribution order;

It is hereby ordered that (6).....being the (6).....of the said juvenile shall pay to (7).....the sum of (8).....each week to be applied in accordance with the provisions of the Juveniles Act, 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, or juvenile correctional centre, or until this order is varied or revoked in accordance with the provisions of the Juveniles Act.

9/1985
S. 85

Given under my hand this (3).....day of.....at (9).....in the parish of (10).....

(11).....

- (1) State full name of juvenile.
- (2) Strike out inapplicable alternatives.
- (3) State date.
- (4) Strike out if inapplicable.
- (5) State name of applicant, and if he is the superintendent also of the juvenile correctional centre.
- (6) State name and status of person by whom contributions payable.
- (7) State person to whom contributions payable under section 81 (2) and (3) of the Juveniles Act.
- (8) State amount of contribution.
- (9) State place.
- (10) State name of parish.
- (11) Signature of the proper officer of the court.

FORM IV

(Section 84)

The Juveniles Act
Order Transferring Payments under Affiliation Order

Whereas an affiliation order was made on the (1).....

[The inclusion of this page is authorized by L.N. 87/1986]

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)..... a juvenile (8) to the care of a fit person, or to a juvenile correctional centre, has (8) this day, or on the (1).....been made by (8) this court, or by a juvenile court; 9/1985 S.85

(9) And whereas (10).....(8) the fit person to whose care, or the superintendent of the juvenile correctional centre to which, the said juvenile was committed has made application for a contribution order; 9/1985 S.85

It is hereby ordered, that the payments to be made by the said (2).....under the said affiliation order shall be made to (11).....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 Juveniles Act.

Given under my hand this (1).....day of.....at (12)..... in the parish of (13)..... (14).....

- (1) State date.
- (2) State name of 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 alternatives.
- (9) Strike out, if inapplicable.
- (10) State name of applicant and if he is the superintendent also of the approved school.

JUVENILES

- (11) State person to whom contributions are payable under section 81 (2) and (3) of the Juveniles Act.
- (12) State place.
- (13) State name of parish.
- (14) Signature of the proper officer of the court.