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SAINT LUCIA

CHAPTER 3.09

CHILDREN AND YOUNG PERSONS ACT

Revised Edition

Showing the law as at 31 December 2001

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CHILDREN AND YOUNG PERSONS ACT

Act 11 of 1972.. in force 8 May 1972

Amended by Act 4 of 1994 in force 30 June 1997 (S.I. 53/1997)

JUVENILE COURTS ORDER - Section 11

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CHAPTER 3.09

CHILDREN AND YOUNG PERSONS ACT

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CHAPTER 3.09

CHILDREN AND YOUNG PERSONS ACT

(Acts 11 of 1972 and 4 of 1994)

AN ACT to make provision for the care, supervision and protection of children and young persons and for connected purposes.

Commencement [28 May 1972]

PART 1 PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Children and Young Persons Act.

2. INTERPRETATION

In this Act-

"child" means a person under the age of 12 years;

"contribution order" means an order made by a juvenile court under section 33 requiring any person to make contributions in respect of any juvenile committed to the care of a fit person;

"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 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 law be legally sold without a licence;

"juvenile" means a person under the age of 16 years;

"juvenile court" means a juvenile court established under section 11;

"place of safety" means any place appointed by the Governor General to be a place of safety for the purposes of this Act;

"public place" includes any public park or garden and any ground to

which the public have or are permitted to have access, whether on payment or otherwise;

"street" includes any highway, road, land, footway, square, court, alley, or passage, whether a thoroughfare or not;

"young person" means a person who has attained the age of 12 years and is under the age of 16 years.

3. AGE OF CRIMINAL RESPONSIBILITY

It is conclusively presumed that a child cannot be guilty of any offence.

4. GENERAL CONSIDERATION FOR GUIDANCE OF COURT

Every court, in dealing with a juvenile who is brought before it 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 considers it necessary, take steps for removing the juvenile from undesirable surroundings.

PART 2

PREVENTION OF CRUELTY TO AND PROTECTION OF JUVENILES

5. CRUELTY TO JUVENILES

- (1) Every person who having the custody, charge or care of any juvenile wilfully assaults, ill-treats, neglects, abandons or exposes such juvenile, or causes, or procures him or her 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) commits an offence, and is liable-
 - (a) on conviction on indictment to a fine not exceeding \$500 or to imprisonment with hard labour for any term not exceeding 2 years, or to both such fine and imprisonment;
 - (b) on summary conviction, to a fine not exceeding \$250 or to imprisonment with hard labour for any term not exceeding one year, or to both such fine and imprisonment.
- (2) For the purposes of this section-
 - (a) a parent or guardian or other person having the custody, charge or care of any juvenile shall be deemed to have neglected him or her in a

manner likely to cause injury to his or her health, if, being able to do so, such parent or guardian or other person fails to provide adequate food, clothing, rest, medical aid or lodging for him or her;

- (b) where it is proved that the death of an infant under 3 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 passage of the infant) while the infant was on a bed with some other person who has attained the age of 18 years and who was at the time 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 18 years, who gives, or causes to be given, to any child under the age of 12 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 the custody, charge or care of any child under the age of 7 years, who allows that child to be in any room or yard containing a stove, cooker, coal-pot, 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 injury, shall be deemed to have neglected that child in a manner likely to cause injury to that child's health.

However, 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 Criminal Code.

- (3) A person may be convicted of an offence under this section-
 - (a) although 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) despite 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 18 years for infanticide or for the manslaughter of a juvenile of whom he or she had the custody, charge or care, it shall be lawful for the jury, if they are satisfied that he or she commits an offence under this section, to find him or her guilty of that offence.
- (5)

- (a) If it is proved that a person charged 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 the maximum amount of the fine which may be imposed under this section shall be \$1,000 and the court may, instead of any other penalty, sentence that person to imprisonment with hard labour for any term not exceeding 5 years;
 - (ii) in the case of a summary conviction the maximum amount of the fine which may be imposed under this section shall be \$250 and the magistrate may, instead of any other penalty, sentence that person to imprisonment with hard labour for any term not exceeding 6 months.
- (b) For the purpose of this subsection-
 - (i) a person shall be deemed to be directly or indirectly interested in a sum of money if he or she has any share in or any benefit from the payment of that money, although he or she 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 been in fact 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) This section shall not 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 or her.

6. BEGGING

- (1) A person who-
 - (a) causes or procures any juvenile; or
 - (b) having the custody, charge or care of a juvenile, allows him or her, 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) commits 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 purposes as is mentioned in subsection (b); and
 - (b) that the person charged allowed the juvenile to be in the street, premises or place, he or she shall be presumed to have allowed him or her 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 or her a child who has been lent or hired out to him or her, 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.

7. WARRANT TO SEARCH FOR AND REMOVE JUVENILE

- (1) If it appears to a magistrate on information on oath laid by any person who, in the opinion of such magistrate is acting in the interests of a juvenile that there is reasonable cause to suspect-
- (a) that a juvenile has been or is being assaulted, ill-treated or neglected in a manner likely to cause the juvenile unnecessary suffering; or
 - (b) that any offence mentioned in this Act has been or is being committed in respect of the juvenile;

the magistrate may *issue* a warrant authorising any police officer-

- (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 offence has been or is being committed in respect of him or her) to take him or her to and detain him or her in a place of safety,
- (ii) to remove the juvenile with or without search to a place of safety and to detain him or her there,

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

- (2) A magistrate 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 him or her or some other magistrate of the State in order that proceedings may be taken against him or her according to law.
- (3) Any police officer authorised by warrant under this section to search for any

juvenile, or to remove any juvenile with or without search, may enter if need be by force any house, building or other place specified in the warrant and may remove him or her therefrom.

- (4) The police officer 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 magistrate by whom the warrant is issued directs, be accompanied by a duly qualified medical practitioner.

8. POWER TO BRING JUVENILES IN NEED OF CARE OR PROTECTION BEFORE COURT

- (1) Any police officer or authorised person may bring before a juvenile court a juvenile in need of care or protection.
- (2) For the purposes of this section-
 - (a) the expression "authorised person" means
 - (i) any probation officer, or
 - (ii) any person appointed as such by the Minister;
 - (b) "Minister" means the Minister to whom the responsibility for social affairs has been assigned; and
 - (c) in the expression "care or protection" includes control and guidance, as well as discipline.

9. POWERS OF COURT

- (1) A Juvenile court before which any juvenile is brought by virtue of sections 7, 8 or 10, or any court before which is brought any juvenile in respect of whom any of the officers mentioned in this Act has been committed, may, if satisfied that the welfare of the juvenile so requires, make an order-
 - (a) committing him or her to the care of any fit person, whether a relative or not, who is willing to undertake the care of him or her; or
 - (b) requiring his or her parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
 - (c) placing him or her, either in addition to, or without making, any order under paragraph (a) or (b), for a specified period, not exceeding 3 years, under the supervision of a probation officer; or
 - (d) committing him or her to be detained in a Government Industrial School for a period not exceeding 3 years.
- (2) Any order made under subsection (1), may be renewed, varied and revoked

by the court on the application of any person.

- (3) A juvenile court before which any juvenile is brought 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 or her committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him or her.
- (4) Any interim order made under the preceeding subsection shall not remain in force for more than one month; 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 and the preceeding subsection remain in force for more than 2 months after the date of the first order made under this subsection.
- (5) 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.
- (6) The consent of any person to undertake the care of a juvenile in pursuance of an order made under subsection (1)(a) shall be proved in such manner as the court may think sufficient to bind him or her.

10. DISPOSAL OF JUVENILE BY ORDER OF COURT

Where a person having the custody, charge or care of a juvenile has been convicted, in respect of that juvenile, of any of the offences mentioned in this Act; or bound over to keep the peace towards that juvenile, 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 9, and shall direct that a probation officer be informed as soon as practicable of the order made.

PART 3 ESTABLISHMENT OF JUVENILE COURTS

11. ESTABLISHMENT OF JUVENILE COURTS

- (1) The Governor General may by order publish in the Gazette provide for-
 - (a) the establishment of one or more juvenile courts in the judicial districts of the State;
 - (b) juvenile courts to be held in, or elsewhere than in buildings used as a

District court; and

- (c) fixing the time when juvenile courts shall be held.
- (2) Every juvenile court shall consist of a chairperson who would normally be a stipendiary magistrate and 2 assessors one of whom shall be a woman.

However, a magistrate may sit alone in any case where he or she considers that it would be impracticable for the court to be constituted in the manner aforesaid, or that it would be inexpedient in the interests of justice to adjourn the business of the court.

12. TRIAL BY JUVENILE COURTS

When a young person or child is charged with any offence the magistrate shall, for the purpose of hearing the charge, sit in the juvenile court established in his or her district under the provisions of this Act, and the procedure to be followed on the hearing of such charge shall be in accordance with that prescribed in this Act and in the Criminal Code relating to summary offences.

13. EXCLUSION OF THE PUBLIC FROM JUVENILE COURTS

- (1) In a juvenile court no person other than the members and officers of the court and the parties to the case, the solicitors, and counsel, and other persons directly concerned in the case, shall, except by leave of the court be allowed to attend.
- (2) For the purposes of this section any person appointed as a probation officer shall be deemed an officer of the court.

PART 4 PROCEEDINGS IN JUVENILE COURTS

14. PROVISIONS AS TO POWERS OF JUVENILE COURTS

On the hearing of a charge against, or an application relating to, a person who is believed to be a juvenile, a juvenile court may, if it thinks fit so to do, proceed with the hearing and determination of the charge or application although it is discovered after the commencement of the hearing that the person in question is not a juvenile.

15. PARENTS OR GUARDIANS OF JUVENILES TO BE PRESENT

On hearing of a charge against, or an application relating to, a person who is believed to be a juvenile, a juvenile court shall summon the parents or guardians or others responsible for the care of any juvenile brought before the court, to be present in court while the charge or application is being determined.

16. METHODS OF DEALING WITH JUVENILE OFFENDERS

- (1) Where a juvenile is found guilty of any offence before a juvenile court, that court (which for the purposes of this section shall be deemed to be a court of summary jurisdiction) may,
 - (a) make an order under the Probation Act
 - (b) placing the offender, either in addition to or without making any other order under this section for a specified period not exceeding 3 years, under the supervision of a probation officer;
 - (c) commit the offender to the care of any fit person, whether a relative or not, who is willing to undertake the care of him or her;
 - (d) order the parent or guardian of the offender to enter into recognizance for the good behaviour of such offender, and in appropriate cases to pay a fine or compensation;
 - (e) commit the juvenile to be detained in a Government Industrial School;
 - (f) order the juvenile to pursue a course of instruction at a Government training school for a stated period
- (2) Consent of any person to undertake the care of a juvenile in pursuance of an order made under subsection (1)(c) shall be proved in such manner as the court may think sufficient to bind him or her.
- (3) An appeal shall lie from any decision or order of a juvenile court to the Court of Appeal and the procedure to be followed on the bringing and hearing of such appeal shall be in accordance with the provisions of the Criminal Code and of the Court of Appeal Rules relating to summary offences.

17. SPECIAL PROVISIONS RELATING TO PROBATION

- (1) Where a juvenile has been placed under the supervision of a probation officer, that officer shall, while the order remains in force, visit, advise and befriend him or her and, when necessary, endeavour to find him or her suitable employment, and may, if it appears necessary in his or her interest so to do, at any time while the order remains in force and he or she is under

the age of 16 years, bring him or her before a juvenile court, and that court may, if it thinks it is desirable in his or her interest so to do, commit him or her to the care of a fit person, whether a relative or not, who is willing to undertake the care of him or her.

- (2) Where a person is bound by his or her recognizances before a juvenile court or that court makes an order under the probation Act in respect of a juvenile, the attainment by that person of the age of 16 shall not deprive the court of jurisdiction to enforce his or her attendance and deal with him or her in respect of any failure to observe the conditions of his or her recognizance, or of jurisdiction to vary or discharge the recognizance.

18. PROVISIONS RELATING TO COMMITTAL TO FIT PERSONS

- (1) Where under section 9 a juvenile is brought before a juvenile court or where a juvenile has been convicted of any offence and the court is satisfied that it is in the best interests and welfare of the juvenile to make an order committing him or her to the care of a fit person and ascertains on inquiry that such a person is available and willing to undertake the care of the juvenile the court shall have power to summon such fit person before it for the purpose of examining the person as to his or her fitness to being so appointed.
- (2) 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 and shall, wherever possible in making such order take into consideration such religious persuasion.
- (3) 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 32, stating the amount of such contribution and by whom it is payable.

PART 5 PROVISIONS PRELIMINARY TO AND TRIAL OF JUVENILE OFFENDER

19. SEPARATION OF JUVENILES FROM ADULTS

Arrangements shall be made by the Commissioner of Police for preventing a

juvenile while detained in a police 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.

20. BAIL OR DETENTION OF DETENTION OF JUVENILES

- (1) Where a person apparently a juvenile is apprehended, with or without warrant, and cannot be brought before the appropriate court, the police officer in charge of the police station to which he or she is brought shall enquire into the case and may release him or her on a recognizance being entered into by him or her or his or her parent or guardian (with or without sureties) for such amount as will, in the opinion of the officer secure his or her attendance upon the hearing of the charge, and shall so release him or her unless-
 - (a) the charge is one of homicide or other indictable crime; or
 - (b) it is necessary in his or her interest to remove him or her from association with any reputed criminal or prostitute; or
 - (c) the officer has reason to believe that his or her release would defeat the ends of justice.
- (2) Where a person apparently a juvenile is apprehended and is not released under subsection (1), the police officer in charge of such police station shall cause him or her to be detained in a place of safety until he or she can be brought before the appropriate court.

21. REMAND OR COMMITAL TO PLACE OF SAFETY

- (1) A magistrate's court on remanding or committing for a trial a juvenile who is not released on bail shall commit him or her to custody in a place of safety named in the commitment, or to a Government Industrial School, to be there detained for the period for which he or she is remanded or until he or she is thence delivered in due course of law.

However, in the case of a young person, it shall not be obligatory on the court so to commit him or her if the court is satisfied that he or she is of so unruly a character that he or she cannot safely be so committed, or that he or she is of so depraved a character that he or she is not a fit person to be so detained; and where the commitment so certifies he or she may be committed to such place, including a prison, as may be specified in the commitment warrant.

- (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 or she cannot safely be detained in such custody, or to be so depraved a character that he or she 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 a prison, as may be specified in the commitment warrant.

22. TRIAL OF JUVENILE WHEN CHARGED WITH AN ADULT

Where a juvenile is charged with an offence jointly with a person who has attained the age of 18 years or that person is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence the charge shall be heard by a juvenile court.

However, the juvenile and adult may appear formally in the first instance in another court before the case against the juvenile is sent to the juvenile court.

23. PROCEDURE IN JUVENILE COURTS

- (1) Where a child or young person is brought before a juvenile court for any offence it shall be the duty of the court as soon as possible to explain to him or her in simple language the substance of the alleged offence.
- (2) Where a child is brought before a juvenile court for any offence other than homicide (the case shall be finally disposed of in such court) and it shall not be necessary to ask the parent whether he or she consents that the child shall be dealt with in the juvenile court.
- (3) Where a young person is brought before a juvenile court for an indictable offence other than homicide and the court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily the court shall put to the young person the following or a similar question, telling him or her that he or she may consult his or her parent or guardian before replying:-

"Do you wish to be tried by this court or by a jury?" and the court shall explain to the young person and to his or her parent or guardian the meaning of being so tried and the place where the trial would be held.

- (4) After explaining the substance of the alleged offence the court shall ask the child or young person (except in cases where the young person does not wish to be tried in the juvenile court) whether he or she admits the offence.
- (5) If the child or young person does not admit the offence the court shall then

hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness the court shall ask the child or young person, or if it sees fit the child's parent or guardian whether he or she wishes to put any questions to the witnesses.

- (6) If the child or young person instead of asking questions wishes to make a statement he or she shall be allowed to do so. It shall be the duty of the court to put to the witnesses such questions as appear to be necessary to explain anything in the statement of the child or young person.
- (7) If it appears to the court that *a prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to give evidence or to make any statement.
- (8) If the child or young person admits the offence or the court is satisfied that it is proved, he or she shall then be asked if he or she desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him or her the court shall obtain such information as to his or her general conduct, home surroundings, school record and medical history, as may enable it to deal with the case in the best interests of the child or young person and may put to him or her any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the court may remand the child or young person on bail or in custody.
- (9) If the child or young person admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary for the purposes of enquiry or observation, the court may cause an entry to be made in the court record that the charge is proved and that the child or young person has been remanded. The court before which a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the court which so remanded the child or young person.
- (10) Any child or young person charged with an indictable offence and tried by a juvenile court under the provisions of this section may, instead of or in addition to any other punishment, be sentenced to pay a fine not exceeding \$50, or to pay compensation or, if a young person, to be detained at the Government Industrial School for any term not exceeding 3 years.
- (11) The provisions of the foregoing subsection shall not render punishable for an offence any child who is not, in the opinion of the court, above the age of 14 years and of sufficient capacity to commit crime.

PART 6

LEGAL PROVISIONS RELATING TO JUVENILE

24. POWER TO TAKE OFFENDERS INTO CUSTODY

- (1) Any police officer may take into custody, without warrant, any juvenile who-
 - (a) has committed or whom he or she has reason to believe to have committed any indictable offence; or
 - (b) within view of such officer commits any summary offence if the police officer does not know and cannot ascertain that juvenile's name and address.
- (2) Where, under the powers conferred by this section, a police officer arrests any juvenile without warrant the police officer in charge of the police station to which that juvenile is brought shall, unless in his or her belief the release of that juvenile on bail would tend to defeat the ends of justice, release the juvenile arrested on his or her entering into such recognizance, with or without sureties, as may in the judgment of that officer be required to secure his or her attendance upon the hearing of the charge.

25. POWER TO HEAR CASE IN ABSENCE OF JUVENILE

No child, other than an infant in arms, or juvenile 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 or her presence is required as a witness or otherwise for the purpose of justice; and any child or juvenile present in court when under this section he or she is not permitted to be so present shall be ordered to be removed.

26. DETERMINATION OF AGE

- (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 or she 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 the true age of the person brought before it has attained the age of 18 years, that person shall for the purposes of this Act, be deemed not to be a juvenile.

- (2) Where in any charge or indictment for any offence under this Act it is alleged that the person by or in respect of whom the offence was committed was a juvenile, child or was under or had attained any specified age, and he or she appears to the court to have been at the date of the commission of the alleged offence a juvenile, or child or to have been under or to have attained the specified age as the case may be, he or she shall for the purposes of this Act be presumed at that date to have been a juvenile, or child or to have been under, or to have attained, that age, as the case may be, unless the contrary is proved.

PART 7

EVIDENCE AND PROCEDURE

27. POWER TO CLEAR COURT WHEN JUVENILE GIVING EVIDENCE

- (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 counsel or solicitors, or persons otherwise directly concerned in the case be excluded from the court during the taking of the evidence of that witness.

However, this section does not authorise 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.

PART 8

GENERAL

28. COURT OTHER THAN JUVENILE COURT TO HAVE POWER OF A JUVENILE COURT

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.

29. RIGHTS AND POWERS OF FIT PERSONS

The person to whose care a juvenile is committed 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 or she were his or her parent, and the juvenile so committed shall continue in his or her care despite any claim by a parent or other person.

30. TRANSFER OF JUVENILE UNDER CARE OF FIT PERSONS

- (1) The court by which an order committing a juvenile to the care of a fit person is made, may at any time, on the application of a social welfare officer, or a probation officer order a juvenile under the care of a fit person to be transferred to the care of some other person.
- (2) Upon a juvenile being transferred in accordance with the provisions of subsection (1) the court shall cause notice thereof to be sent to the person liable to make contribution in respect of him or her.

31. ESCAPES FROM FIT PERSONS

- (1) A juvenile who runs away from a person in whose care he or she has been committed under this Act may be apprehended without warrant by any police officer or authorised person and brought back to that person if that person is willing to receive him or her and if that person is not willing to receive him or her may be taken before a juvenile court which may make an order in respect of him or her as if he or she had been brought before the court as being in need of care and protection.
- (2) Any person who knowingly assists or induces a juvenile to run away from a person to whose care he or she has been committed, or harbours or conceals a juvenile who has so run away and prevents him or her from returning, commits an offence against this Act.

32. CONTRIBUTIONS

- (1) Where an order has been made by a juvenile court committing a juvenile to the care of a fit person it shall be the duty of the following persons to make contributions in respect of him or her-
 - (a) his or her father, adopted father or stepfather;
 - (b) his or her mother, adopted mother or stepmother;
- (2) Where a juvenile has been committed to the care of a fit person, contribution under this Act shall be payable to that person to be applied by him or her in or towards the maintenance or otherwise for the benefit of the

juvenile.

33. CONTRIBUTION ORDERS

- (1) Where an order has been made by a juvenile court committing a juvenile to the care of a fit person the court may at the same time make a contribution order on any person who is, under section 32, liable to make contributions in respect of the juvenile requiring that person to contribute such weekly sum, not exceeding \$10 in respect of each juvenile, as the court having regard to his or her means think fit.
- (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 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.
- (3) A contribution order shall be enforceable, at the instance of the person to whom the contributions are payable in the same manner as an affiliation order made under the Affiliation Act.
- (4) A person on whom a contribution order is made shall, if he or she changes his or her address, give notice thereof to the person to whom, immediately before the change, the contributions were payable, and, if he or she fails to do so, or if he or she knowingly gives notice false in any material particular, he or she commits an offence against this Act.

34. PROVISIONS AS TO AFFILIATION ORDER

- (1) Where a juvenile who is ordered by a juvenile court to be committed to the care of a fit person is illegitimate and an affiliation order for his or her maintenance is in force the court may at the same time order the payment under the affiliation order to be paid to the person to whom contributions in respect of the juvenile are payable under section 32.
- (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) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order.

35. GENERAL PENALTY

Any person guilty of an offence against this Act for which no special punishment is provided is liable, on summary conviction to a fine not exceeding \$50 and in default of payment to imprisonment with hard labour for a term not exceeding one

month, and in the case of a continuing offence to a further fine not exceeding \$10 for each day on which the offence continues after conviction.

36. FORMS

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 34 shall be in the appropriate form set out in the Schedule, and such forms may be amended or revoked and different and additional forms may be prescribed by order made by Cabinet.

37. RULES

- (1) The Cabinet may make rules providing for such matters as may be necessary or expedient for carrying out the purposes of this Act.
- (2) Rules made under this section may provide that a person who commits any breach of such rules commits an offence and upon summary conviction for such offence is liable to-
 - (a) a fine not exceeding \$250;
 - (b) a term of imprisonment; or
 - (c) both such fine and imprisonment.

SCHEDULE

(Sections 9, 14, 32 and 36)

The Children and Young Persons Act

(Section 16)

ORDER COMMITTING JUVENILE TO CARE OF FIT PERSON

In the _____ Judicial District

Before the juvenile court sitting at

TO

WHEREAS a juvenile was brought before the court for *as being in need of care or protection/*or charged with an offence of

AND WHEREAS the said court is satisfied that the welfare of the juvenile requires an order to be made committing the juvenile to the care of a fit person who is willing to undertake the care of him or her:

THESE, THEREFORE, are to command you the said to deliver the juvenile to _____ who has undertaken to care the juvenile, and to command you the said to receive the juvenile into your custody and to keep him or her in accordance with and until he or she is released under the provisions of the Children and Young Persons Act;

IT IS HEREBY DECLARED THAT-

- (a) the age of the juvenile is _____ years _____ months, being
born on the _____ day of _____
- (b) his or her religious persuasion is _____
- (c) a contribution order in the sum of \$ _____ a week payable by
_____ being the _____ of the juvenile has been
made.

GIVEN under my hand this _____ day of _____ at _____
 _____ Chairperson.

*Delete the inappropriate reference.

(Sections 33 and 36)

In the _____ Judicial District

WHEREAS an order committing _____ a
juvenile to the care of _____ of _____ *(has
this day been/*was on the _____ day of _____ made
by this court: _____

IT IS HEREBY ORDERED THAT-

GIVEN under my hand this day of at

*Delete the inappropriate reference.

The Children and Young Persons Act

(Section 34)

ORDER TRANSFERRING PAYMENTS UNDER AFFILIATION ORDER

In the _____ Judicial District

Before the juvenile court sitting at

WHEREAS an affiliation order was made on the _____ day of _____ against _____ of _____ ordering him or her to pay the sum of _____ a week to _____ towards the maintenance and education of _____ a juvenile of the age of _____

AND WHEREAS and order committing the juvenile to the care of
 *has this day been/*was on the day of made
 by this Court:

AND WHEREAS the said _____ has made application for a contribution order:

IT IS HEREBY ORDERED that the payments to be made by the said _____ under the said affiliation order shall be made to _____ instead of to the said _____, the first of such payments to be made on the _____ day of _____ so long as the said affiliation order remains in force, to be applied by the said _____ by *him or her in or towards the maintenance or otherwise for the benefit of the said juvenile.

GIVEN under my hand this _____ day of _____ at _____
Chairperson.

*Delete the inappropriate reference.

JUVENILE COURTS ORDER - Section 11

(Statutory Instrument 47/1973)

Commencement [1 January 1974]

1. SHORT TITLE

This Order may be cited as the Juvenile Courts Order.

2. TIME AND PLACE OF SITTINGS

Juvenile courts for the First and Second Judicial Districts of the State of Saint Lucia shall be held at the times and places hereinafter stated, that is to say-

- (1) For the First Judicial District at the building known as the First District Court, Castries, on the second Wednesday of each month commencing at the hour of 3:00 p.m.;
- (2) For the Second Judicial District as follows:
 - (a) at the building known as the Court Building Soufriere, on the second Tuesday of each month, commencing at the hour of 3:00 p.m.;
 - (b) at the building known as the Court Building, Vieux-Fort on the Third Wednesday of each month commencing at the hour of 3:00 p.m.;

However, the magistrate presiding over the said court may fix additional or substituted sittings thereof whenever he or she deems it expedient so to do, but no other matters excepting juvenile cases shall be set for hearing or for disposal in the same building or court room as the case may be, on the days and times hereinbefore stated.