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LAWS OF SAINT VINCENT AND THE GRENADINES
REVISED EDITION

JUVENILES ACT

CHAPTER 231

**Act No.
20 of 1952**

Amended by
Act No. 39 of 1954
Act No. 3 of 1959
SRO 54 of 1969
Act No. 22 of 1971
Act No. 3 of 1978
SRO 38 of 1980
Act No. 20 of 1987
Act No. 23 of 1988
Act No. 44 of 1988
Act No. 53 of 1992

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CHAPTER 231**JUVENILES ACT**

An Act to provide for the care and protection of juveniles, the trial and treatment of juvenile offenders, the establishment of juvenile courts and approved schools, and other matters connected therewith and relating thereto.

[Act No. 20 of 1952, amended by Act No. 39 of 1954, Act No. 3 of 1959, SRO 54 of 1969, Act No. 22 of 1971, Act No. 3 of 1978, SRO 38 of 1980, Act No. 20 of 1987, Act No. 23 of 1988, Act No. 44 of 1988, Act No. 53 of 1992.]

[Date of commencement: *1st October*, 1952.]

[SRO 77 of 1952.]

*Preliminary***1. Short title**

This Act may be cited as the Juveniles Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

"approved school" means an approved school established under section 14;

"approved school order" means an order made under section 15;

"child" means a person under the age of fourteen;

"contribution order" means an order made by a juvenile court under section 41 requiring any person to make contributions in respect of any juvenile committed to an approved school or to the care of a fit person;

"guardian", in relation to a juvenile, includes any person who, in the opinion of the court having cognisance 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 special circumstances, according to any law for the time being in force be legally sold without a licence;

"juvenile" means a person under the age of sixteen;

"juvenile court" means a juvenile court established under section 5;

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

"probation officer" means an officer appointed under section 5 of the Probation of Offenders Act;

[Chapter 179.]

"public place" includes any public park or garden and any ground to which the public for the time being have, or are permitted to have, access, whether on payment or otherwise;

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

"young person" means a person who has attained the age of fourteen and is under the age of sixteen.

[Subsection (1) renumbered by Act No. 53 of 1992.]

(2) Notwithstanding the provisions of subsection (1) as from the commencement of the Family Court Act, 1992, the Family Court shall be the juvenile court and "magistrate" shall be a judicial officer of the Family Court.

[Subsection (2) inserted by Act No. 53 of 1992.1

3. Age of criminal responsibility

It shall be conclusively presumed that no child under the age of eight can 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 and 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.

PART I

Establishment of juveniles Courts

5. Establishment

(I) Notwithstanding the provisions of the Magistrates Act, the Governor-General may, by order, provide for the establishment of one or more juvenile courts in Saint Vincent and the Grenadines.

[Chapter 30.]

(2) An order made under subsection (I) may provide for such courts being held elsewhere than in the buildings used as magistrates' courts, the time when the same shall be held and for every such court being constituted of a magistrate and any two or more of such other persons, to be called assessors, as may be nominated by the Governor-General:

Provided that nothing in the order shall prevent a magistrate sitting alone in any case where he 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.

6. Trial by juvenile courts

When a juvenile, young person or child is charged with any offence punishable on summary conviction, the magistrate shall, unless the juvenile, young person or child is

charged jointly with any other person not being a juvenile, young person or child, for the purpose of hearing the charge, sit in the juvenile court established in his district under the provisions of this Act.

7. Exclusion of public

(1) In a juvenile court, no person other than the members and officers of the court and the parties to the case, their legal practitioner and any legal practitioner in attendance for other cases 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 II

Prevention of Cruelty and Exposure to Moral and Physical Danger 8.

Cruelty to juveniles

(1) Any person who, having attained the age of seventeen and having the custody, charge or care of any juvenile, wilfully assaults, ill-treats, neglects, abandons or exposes such juvenile, or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause that juvenile unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement) is guilty of an offence and liable—

- (a) on conviction on indictment to a fine of five thousand dollars and to imprisonment for two years; and
- (b) on summary conviction, to a fine of fifteen hundred dollars and to imprisonment for three months.

(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 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 in bed with some other person who has attained the age of seventeen 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, who gives, or causes to be given, or sells, or causes to be sold, to any child under the age of ten any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in a 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 and having the custody, charge or care of any child under the age of seven, who allows that child to be in any room or yard containing a stove, coal-stove or open fireplace 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 that child's health:

Provided that neither this paragraph nor any proceedings taken hereunder shall affect the liability of any person to be proceeded against by indictment for manslaughter or for any offence under Chapters VIII, IX, XI and XII of the Criminal Code.

[Chapter 171.1

- (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 was committed.

(4) Upon the trial of any person who has attained the age of seventeen for infanticide, or for the manslaughter of juvenile of whom he had the custody, charge or care, the jury may, if they are satisfied that he is guilty of an offence under this section, find him guilty of that offence.

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

- (a) on conviction on indictment he is liable to a fine of ten thousand dollars and to imprisonment for five years; and
- (b) on summary conviction, he is liable to a fine of two thousand five hundred dollars and to imprisonment for six months.

- (6) For the purposes of this section—

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

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

9. Begging

(1) Any 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) is 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.

10. 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 the First Schedule 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 such offence has been, or is being, committed in respect of him, to take him to and detain 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 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 some other magistrate in order that proceedings may be taken against him 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 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.

(5) The Governor-General may declare any place, building or enclosure, or any part thereof, to be a place of safety for the purposes of this Act.

11. 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, the expression "**authorised person**" means—

- (a) any probation officer; or
- (b) any person appointed by the Governor-General as such in pursuance of this section.

12. Powers of court

(1) A juvenile court before which any juvenile is brought by virtue of sections 10, 11 or 13, or any court 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—

- (a) committing him to the *care* of any fit person, whether a relative or not, who is willing to undertake the care of him;
- (b) requiring his parent or guardian to enter into a recognisance to exercise proper care and guardianship;
- (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 the supervision of a probation officer; or
- (d) committing him to an approved school.

(2) Any order made under subsection (1) may be renewed, varied and revoked by the court on its own motion or on the application of any person.

(3) 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.

(4) Any interim order made under subsection (3) 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 and subsection (3) remain in force for more than sixty days 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.

13. Disposal of juvenile by order of court

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

- (a) convicted in respect of that juvenile, of any of the offences mentioned in the First Schedule;
- (b) committed for trial for any such offence; or
- (c) 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 12, and shall direct that the probation officer be informed as soon as practicable of the order made.

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

to bring the juvenile before the juvenile court.

PART III

Approved Schools

14. Power to declare place an approved school

The Governor-General may, by order in the *Gazette*—

- (a) declare any house, building, enclosure or place, or any part thereof, to be an approved school for the purposes of this Act and may, in such order, declare the name by which the approved school shall be known;
- (b) declare that any approved school shall cease to be an approved school; and as from the date of the publication of such declaration, or such other date as may be specified therein, the approved school shall cease to be an approved school.

15. Provisions relating to committal to approved school

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

(2) Every approved school 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

(6) where a contribution order has at the same time been made under section 41, stating the amount of such contribution and by whom it is payable.

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

(a) such order; and

(6) a report 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 managers of the approved school,

to be delivered with as little delay as possible to the managers of the said school.

(4) Pending the admission into an approved school of a juvenile in respect of whom an approved school order is made, the juvenile shall, unless the court which made the order has otherwise directed, or a juvenile court acting for the same place as the court which made the order otherwise directs, be detained in a place of safety.

(5) A juvenile detained under any approved school order shall be deemed to be in legal custody.

16. Duration of approved school orders

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

(2) Where a court orders a young person to be sent to an approved school, the order shall be for his detention in an approved school for a period of two years from the date of the order or until he attains the age of sixteen whichever date is the earlier.

PART IV*Proceedings in Juvenile Courts***17. 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 notwithstanding that it is discovered that the person in question is not a juvenile.

18. Methods of dealing with juvenile offenders

(1) Where a juvenile has been found guilty of any offence before a juvenile court, that court (which for the purposes of this section shall be deemed to be a summary court within the meaning of the Probation of Offenders Act) may make an order—

- (a) dismissing the case;
- (b) 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 officer;
- (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) ordering the parent or guardian of the offender to enter into a recognisance for the good behaviour of such offender;
- (f) committing the offender to a approved school;
- (g) adjudging the parent or guardian of such juvenile to pay compensation or costs and the said order shall be enforceable by warrant of distress against the parent or guardian of the juvenile:

Provided that no such order shall be made unless the parent or guardian is present or is summoned to appear before the said court.

(2) Consent of any person to undertake the care of a juvenile in pursuance of an order made under subsection (1)(d) shall be proved in such manner as the court may think sufficient to bind him.

(3) It shall be the duty of a probation officer to prepare a report for the information of a court before which a juvenile appears charged with an offence under this or any other Act. The report shall contain such information as to the juvenile's mental and physical condition, his surroundings, school record, age and character, and as to any other facts relating to the juvenile which may be of assistance to the court.

(4) A court shall, before committing a juvenile to an approved school or to the care of a fit person, consider such report and shall give a copy thereof to the juvenile or his legal practitioner.

(5) An appeal shall lie from any decision or order of a juvenile court, and the procedure to be followed on the bringing and hearing of such appeal shall be in accordance with the provisions of Chapter XI of the Criminal Procedure Code.

[Chapter 172.]

19. Restriction on punishment

Notwithstanding the provisions of any law to the contrary, a juvenile shall not be sentenced by any court to imprisonment for any offence or be committed to prison in default of payment of any fine, damages or costs.

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

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

21. Provisions relating to committal to fit persons

(1) Where under section 12 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 to the care of a fit person and ascertains on enquiry 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 such fit person as to his fitness for 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 41, stating the amount of such contribution and by whom it is payable.

(4) Every court which makes an order committing a juvenile to the care of a fit person shall cause—

- (a) such order; and
- (b) a report 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 fit person,

to be delivered with as little delay as possible to the said person.

(5) 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 otherwise directs, be detained in a place of safety.

PART V

*Provisions Preliminary to Trial and Trial of Juvenile Offenders 22.***Separation in police station, etc., 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.

23. Bail or detention of juveniles

(1) Where a person apparently a juvenile is apprehended, with or without warrant, and cannot be brought forthwith before the appropriate court, the police officer in charge of the police station to which he is brought shall enquire into the case and may release him on a recognisance being entered into by him or his parent or guardian (with or without sureties) for such amount as will, in the opinion of the 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;
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the 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 police officer in charge of such police station shall cause him to be detained in a place of safety until he can be brought before the appropriate court.

24. Remand or committal to place of safety

(1) A magistrate's court, on remanding or committing for trial a juvenile who is not released on bail, shall commit him to custody in a place of safety 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 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 cannot safely be detained in such custody, or to be 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 a prison, as may be specified in the commitment warrant.

25. 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 sixteen 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 magistrate's court.

26. Juvenile charged with indictable offence

Where a juvenile is charged with an indictable offence, proceedings for his committal for trial shall be heard in a magistrate's court, and if on the termination of those proceedings the court is satisfied that the juvenile should be committed for trial, the court shall so commit him and shall bind him and the witnesses by recognisance to appear at the court to which the juvenile is committed.

PART VI*Legal Provisions***27. Power to take offender into custody**

- (1) Any police officer may take into custody, without warrant, any person who—
- (a) commits, within his view any of the offences mentioned in the First Schedule; or
 - (b) has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule if the police officer has reasonable ground for believing that that person will abscond, or if the police officer does not know and cannot ascertain that person's name and address.

(2) Where, under the powers conferred by this section, a police officer arrests any person without warrant, the police officer 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, release the person arrested on that person entering into such recognisance with or without sureties, as may in the judgement of that officer be required to secure the attendance of that person upon the hearing of the charge.

28. Power to hear case in absence of juvenile

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

29. Restriction on presence of juvenile in court

No juvenile, 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 purpose of justice; and any juvenile present in court, when under this section he is not to be permitted to be so present, shall be ordered to be removed.

30. 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, the court shall make due inquiry 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 judgement 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 sixteen, 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 or any of the offences mentioned in the First Schedule, except an offence under sections 124, 129, 131, 132, 138, 202 and 203 of the Criminal Code, 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 under, or to have attained, that age, as the case may be, unless the contrary is proved.

31. Evidence of child of tender years

(I) 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 the Criminal Procedure Code or of this Act, shall be deemed to be a deposition:

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

(2) If any child whose evidence is received 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.

32. 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 legal practitioners, legal practitioners in attendance for other cases 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 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*.

33. Extension of power to take deposition of juvenile

(1) Where a magistrate is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a magistrate's 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 magistrate may take in writing 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 magistrate 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 magistrate before whom proceedings are pending in respect of the offence.

34. Admission in evidence of deposition of juvenile

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 section 33 shall be admissible in evidence, either for or against the accused person, without further proof thereof if it purports to be signed by the magistrate 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 legal practitioner had, or might have had if he had chosen to be present, an opportunity of cross-examining the juvenile making the deposition.

35. Mode of charging offence and limitation of time

(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.

(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.

PART VII

Miscellaneous

36. Other courts to have power of 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.

37. 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 were his parent, and the juvenile so committed shall continue in his care notwithstanding any claim by a parent or other person.

38. Transfer of juvenile in approved school or under care of fit persons

(1) The court by which an order committing a juvenile to an approved school or to the care of a fit person is made may, at any time, on the application of a probation officer, order a juvenile in an approved school or under the care of a fit person to be transferred to another approved school or 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 contributions in respect of him.

39. Escape from fit person or approved school

(1) A juvenile who runs away from an approved school, or from a person to whose care he has been committed under this Act, may be apprehended without warrant by any police officer or authorised person for the purposes of section I I and brought back to the approved school or to that person, as the case may be, if that person is willing to receive him, and if that person is not willing to receive him 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 as being in need of care and protection.

(2) Any person who knowingly assists or induces a juvenile to run away from an approved school or from a person to whose care he has been committed, or harbours or conceals a juvenile who has so run away and prevents him from returning, is guilty of an offence against this Act.

40. Contributions

(1) Where an order has been made by a juvenile court committing a juvenile to an approved school or to the care of a fit person, it shall be the duty of the following persons to make contributions in respect of him if the court is satisfied of their ability to make such contributions—

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

(2) Where a juvenile has been committed to an approved school or to the care of a fit person, contributions under this Act shall be payable to the matron of the approved school or to the fit person, to be applied by the matron or fit person, as the case may be, in or towards the maintenance, or otherwise for the benefit, of the juvenile.

41. Contribution orders

(1) Where an order has been made by a juvenile court committing a juvenile to an approved school or 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 40, liable to make contributions in respect of the juvenile requiring that person to contribute such weekly sum, not exceeding five dollars in respect of each juvenile, as the court having regard to his means thinks fit.

(2) A contribution order shall, unless varied or revoked, remain in force so long as the juvenile remains in the approved school or in the care of 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 Maintenance Act.

[Chapter 234.]

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

42. Provisions as to affiliation order

(1) Where a juvenile who is ordered by a juvenile court to be committed to an approved school or to the care of a fit person is a person born out of wedlock and an affiliation order for his maintenance is in force, the court may at the same time order the payments under the affiliation order to be paid to the person to whom contributions in respect of the juvenile are payable under section 40(2).

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

43. General penalty

Any person who is guilty of an offence under this Act for which no special punishment is provided is liable to a fine of fifteen hundred dollars and, in the case of a continuing offence, to a further fine of one hundred dollars for each day on which the offence continues after conviction.

44. 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 42, shall be in the appropriate form set out in the Second Schedule, and such forms may be amended or revoked and different and additional forms may be prescribed by order made by the Governor-General.

45. Rules

(1) The Governor-General may make rules for the purpose of carrying out the provisions of this Act, and without prejudice to the generality of the foregoing provision he may also make rules with regard to the administration and management of approved schools and the provisions set out in the Third Schedule shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

(2) The managers of an approved school shall be bound to accept any person who under this Act is sent or transferred to that school or otherwise to their care, unless the managers of the school satisfy the Governor-General that there are already as many persons detained in that school or, as the case may be, otherwise under their care as is desirable.

FIRST SCHEDULE

[Sections 10, 12, 13, 27, 28, 30, 34 and 35.1]

1. Any offence against a juvenile—

- (a) involving bodily injury; or
- (b) under section 123, 127, 128, 132, 146, 147, 149, 150, 151, 175, 176 or 202 of the Criminal Code.

2. Any offence under section 124, 125, 126, 129, 172, 198, 203 or 204 of the Criminal Code.**3. Any offence under Part II of this Act.****4. Aiding, abetting, counselling, procuring, attempting or conspiring to commit any offence in paragraph 1, 2 or 3.**

SECOND SCHEDULE

[Section 15.]

Forms

FORM I

JUVENILES ACT

Approved School Order

To the matron, and to all persons authorised by this Act, and to the managers of the approved school named in the endorsement hereon.

Whereas (1) a juvenile was brought before the (2) juvenile court (3) at in the magisterial district 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.....

And whereas the said court, or the juvenile court (3) at in the magisterial district 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 an approved school.

These, therefore, are to command you the said matron and all persons authorised by *this* Act and the said managers to detain the said juvenile (2) in a place of safety until the name of an approved school is endorsed hereon and then to take the said juvenile to the said approved school and deliver him to the managers thereof; and to command you, the managers of the approved school named in the endorsement hereon, to receive the said juvenile into your custody and to keep him in accordance with and until he is released under the provisions of the Juveniles 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 report in accordance with the provisions of the Juveniles Act, is forwarded herewith.

Given under my hand this (10) day of....., 20.....
at (11) in the (3)
Magisterial district.

(12)

Endorsement

The approved school to which the said juvenile shall be sent is the (13)
Dated this (10) day of....., 20.....

(14).....

The said juvenile shall be transferred from the above-named approved school to the (13)
..... Dated this (10)
..... day of....., 20.....

- (1) State full name.
- (2) Amend, if necessary.
- (3) State name of place where court was held and magisterial district.

SECOND SCHEDULE, FORM I—*continued*

- (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 proper officer of court.

FORM I1

[Section 12(1)(a).]

JUVENILES ACT

Order Committing Juvenile to Care of Fit Person

To all persons authorised by this Act, and to the fit person named in the endorsement hereon willing to undertake the care of the juvenile.

Whereas (1) a juvenile was brought before the (2) juvenile court (3) at in the magisterial district as (4) 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 (3) at . in the magisterial district 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 persons authorised by the said Act 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 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) years.... months being born on (6)

(6) 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 report in accordance with the provisions of the Juveniles Act, is forwarded herewith.

SECOND SCHEDULE, FORM II—*continued*

Given under my hand this (10) day of 20
 at (11) in the (3) magisterial district.

(12)

Endorsement

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

Dated this (10) day of , 20

(14)

- (1) State full name.
- (2) Amend, if necessary.
- (3) State name of place where court was held and magisterial district.
- (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 fit person willing to undertake the care of the juvenile.
- (14) Signature of proper officer of the court.

FORM 111

[Section 41.]

JUVENILES ACT

Contribution Order

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

(4) And whereas (5) (2) the fit person
 to whose care, or the matron of the approved school 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 approved school, or until this order is varied or revoked in accor-
 dance with the provisions of the Juveniles Act.

SECOND SCHEDULE, FORM 111—*continued*

Given under my hand this (3) day of, 20..... at (9)
in the (10) Magisterial district.

(II)

(I) State full name of juvenile.

(2) Strike out inapplicable alternative.

(3) State date.

(4) Strike out if inapplicable.

(5) State name of applicant and if she is the matron also of the approved school.

(6) State name and status of person by whom contributions payable.

(7) State person to whom contributions payable under section 40(2) of the Juveniles Act.

(8) State amount of contribution.

(9) State place.

(10) State magisterial district.

(11) Signature of proper officer of the court.

FORM IV

JUVENILES ACT

Order Transferring Payments under Affiliation Order

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

And whereas an order committing (5) a juvenile (8)
to the care of a fit person, or to an approved school, has (8) this day, or on the (1)
..... been made by (8) this court, or by a juvenile court. (9)

And whereas (10) (8) the fit
person to whose care, or the matron of the approved school to which, the said juvenile was com-
mitted has made application for a contribution order.

It is hereby ordered that the payments to be made by the said (2)
..... under the affiliation order shall be made to (11)
instead of to the said (4) the first
of such payments to be made on the (I) 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....., 20.....
at (12) in the (13)magisterial district.

(14)

SECOND SCHEDULE, FORM I *V-continued*

- (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 alternative.
- (9) Strike out, if inapplicable.
- (10) State name of applicant and if she is the matron also of the approved school.
- (11) State persons to whom contributions are payable under section 41(2) of the Juveniles Act.
- (12) State place.
- (13) State magisterial district.
- (14) Signature of the proper officer of the court.

THIRD SCHEDULE

[Section 45.1]

*Provisions as to Administration of Approved Schools and Treatment
of Persons sent thereto*

1. A minister of the religious persuasion to which a person in any approved school belongs may visit him at the school on such days, at such times and on such conditions as may be fixed by rules made under section 45 for the purpose of affording him religious assistance and instruction.

2. If it appears to the managers of the approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of the Act be deemed to be under the care of the managers of the school.

3. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they may think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

4. (1) At any time during the period of a person's detention in an approved school the managers may, by licence in writing, permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him.

(2) The managers may at any time by order in writing revoke any licence and require the person to whom it relates to return to the school.

(3) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

5. (1) If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent and with the written consent of the Governor-General, apprentice or place him in any trade, calling or service.

(2) Before exercising their powers under subparagraph (1) the managers shall, in any case where it is practicable so to do, consult with the parent of the person concerned.

6. Where a person detained in an approved school is transferred to the care of the managers of another school, he may be conveyed to his new school by, and at the expense of, the managers of the first-mentioned school.

7. (1) Subject as hereinafter provided, all rights, powers and duties exercisable by law by a parent shall, as respects any person under the care of the managers of an approved school, be vested in them:

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents, or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance, upbringing and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

8. Every person who is authorised to take to an approved school a person in respect of whom an approved school order has been made shall, for the purposes of his duty as aforesaid, have all the powers, protection and privileges of a police officer.

CHAPTER 231

JUVENILES ACT

SUBSIDIARY LEGISLATION

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LAWS OF SAINT VINCENT AND THE GRENADINES
REVISED EDITION

JUVENILES (APPROVED SCHOOLS) RULES

SRO 82 of 1952

Amended by
SRO 39 of 1954
SRO 20 of 1959
Act No. 3 of 1978
SRO 38 of 1980
SRO 9 of 1991

Printed and published with the authority of the
Government of Saint Vincent and the Grenadines

JUVENILES (APPROVED SCHOOLS) RULES

ARRANGEMENT OF RULES

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JUVENILES (APPROVED SCHOOLS) RULES

[SRO 82 of 1952 amended by SRO 39 of 1954, SRO 20 of 1959, Act No. 3 of 1978,
SRO 38 of 1980, SRO 9 of 1991.]

[Date of commencement: 30th *September*, 1952.]

1. Citation

These Rules may be cited as the Juveniles (Approved Schools) Rules.

2. Interpretation

In these Rules, unless the context otherwise requires—

"**managers**" means, in relation to an approved school, the persons appointed under rule 3 to have the management or control thereof;

"**school**" means a school approved by the Governor-General under section 14 of the Act;

"**secretary**" means the secretary to the managers.

3. Appointment, etc., of managers

(1) The managers of an approved school shall consist of not more than eight members, including the probation officer, appointed by the Governor-General. The Chairman and Secretary shall be appointed from among the members by the Governor-General.

(2) At least two of the managers of an approved school shall be women.

4. Meetings of managers

The managers shall meet, so far as practicable, once a month, and one meeting at least in each quarter shall be held at the school.

5. Minutes of meetings

The managers, and any committee appointed by them, shall keep minutes of their proceedings and these minutes shall be open to inspection by any person or persons appointed by the Governor-General for that purpose.

6. Managers' visits to school

The managers shall maintain an efficient standard throughout the school. They shall satisfy themselves by frequent visits to the school that the clothing, maintenance and education of the juveniles under their care are satisfactory. They shall exercise an effective control over all expenditure.

7. Financial provision for school

Financial provision for recurrent and other expenditure in connection with a school shall be made each year in the estimates of the Department of Education.

8. Accommodation

The total number of juveniles resident in a school at any time shall not exceed such numbers as may be fixed for the school by the Governor-General.

9. Appointment of staff

(1) The managers shall be responsible, subject to the approval or otherwise of the Governor-General, for the appointment, suspension or dismissal of the staff of the school under their control.

(2) The matron, teachers and instructors of a school shall be employed under written agreement with the managers.

10. Tenure of office of staff

Except with the consent of the Governor-General in writing, no member of the staff of a school shall be retained after reaching the age of sixty years.

11. Duties of matron

(1) The matron shall be responsible to the managers for the efficient conduct of the school.

(2) The matron shall keep

- (a) a register of admissions and discharges in which shall be recorded **all** admissions, licences, revocations, licence recalls, releases and discharges;
- (b) a log book in which shall be entered every event of importance connected with the school;
- (c) a daily register of the presence or absence of each juvenile; and
- (d) a punishment book,

all of which shall be available for inspection by the managers at all times.

(3) The log book shall be laid before the managers at each of their meetings and shall be signed by the Chairman.

(4) The matron shall keep and be responsible for the safe custody of the journals, registers, account books, commitments and other documents confided to her care, and shall produce for inspection any such books and documents as may be required by the managers or official visitors.

(5) The matron shall not incur any expenditure, other than petty expenditure within a limit approved by the managers, without their previous sanction or that of a manager authorised to act in their behalf.

12. Matron to determine duties of other members of staff

The matron, with the approval of the managers, shall determine the duties of the other members of the staff. These duties may include duties connected with the supervision of the juveniles in the school, their recreations and their after-care.

13. Duty of matron leaving school

(1) The matron shall obtain the authority of the managers, and shall notify the secretary, before leaving the school for more than twenty-four hours.

(2) Before leaving the school for any shorter period she shall depute *an* experienced member of the staff to exercise her duties.

14. Duty of managers in absence of matron for more than twenty-four hours

The managers shall appoint in writing an experienced member of staff to exercise the duties of the matron during her absence for more than twenty-four hours, and shall communicate to the Governor-General the name of the person so appointed.

15. Procedure on admission of juvenile to school

As soon as may be practicable after the admission of a juvenile the matron shall inform the juvenile's parents or guardian of his arrival.

16. Care of juveniles

(1) Each juvenile shall be provided with a separate bed and shall be kept supplied with suitable clothing similar to that worn in ordinary life.

(2) The juveniles shall be supplied with sufficient and varied food based on a dietary scale to be drawn up by the managers after consultation with the matron and a medical officer. The dietary scale shall include the list of dishes and a table of quantities to be supplied to each juvenile.

(3) The dietary scale shall be subject to the approval of the Chief Medical Officer, and no substantial alteration shall be made in it without the approval of the Chief Medical Officer.

(4) A copy of the diet scale shall be kept posted in the school kitchen.

17. School routine

(1) The daily routine of the school (including the hours of rising, schoolroom instruction, practical training, domestic work, meals, recreation and retiring) shall be in accordance with a scheme approved by the managers.

(2) A copy of the daily routine shall be kept posted in the school kitchen.

(3) Any substantial deviation from the daily routine shall be entered in the log book and a notification shall be sent forthwith to the secretary.

18. Education of juveniles

(1) The education given in the school shall be based on the principles of the Code of Regulations for Government and Assisted Primary Schools so as to secure adequate primary education for juveniles of school age and their continued education thereafter so long as they remain in the school. The pupils of the school shall be examined annually by inspectors of the Department of Education.

(2) The school room timetable and syllabus shall be subject to approval by the managers. A copy of the timetable shall be kept posted in the schoolroom.

(3) The practical training of all juveniles shall be in accordance with a scheme approved from time to time by the managers. Any substantial deviation from the scheme shall be entered in the log book and a notification shall be sent forthwith to the secretary.

(4) The attendance of juveniles in the schoolroom and at all classes of practical training shall be recorded in registers which shall be marked in accordance with the regulations of the Department of Education.

(5) The practical training given to juveniles over the age of fourteen shall, so far as may be practicable, be directed to their preparation for a particular form of employment. Regard shall be had to the capacity and preference of each juvenile and whenever possible the parent or guardian shall be consulted.

19. Employment of juveniles

No juvenile shall be employed in such a way as to impair his capacity for profiting by instruction or to deprive him of reasonable recreation and leisure. Juveniles under twelve shall not be employed except in light work such as making their own beds or cleaning their own shoes.

20. Religious instruction

(1) Each day shall be begun with simple worship. So far as may be practicable, arrangements shall be made for the attendance of juveniles each Sunday at an approved place of worship.

(2) Religious instruction shall be given suited to the age and capacity of the juveniles.

(3) The managers shall so far as may be practicable arrange for juveniles to receive religious assistance and instruction from a minister of the religion to which they belong.

21. Recreation

(1) Adequate provision shall be made for free time and recreation, including organised games and walks and visits outside the school boundaries. Except in bad weather, at least one hour shall be spent in the open air each day.

(2) So far as reasonably possible, a holiday away from the school shall be arranged annually for each juvenile.

(3) Reasonable home leave may be granted to each juvenile each year unless circumstances make it undesirable.

22. Letters and visits

(1) Juveniles shall be encouraged to write to their parents at least once a month, and for this purpose postage stamps shall be provided, if necessary, by the managers.

(2) Juveniles shall be allowed to receive letters from their parents, relatives and friends and, at such reasonable intervals as the managers may determine, visits from them.

(3) The matron may suspend any of the facilities specified in this rule or in rule 21 if she is satisfied that they interfere with the discipline of the school. Such suspension shall be recorded in the log book.

23. Discipline

The discipline of the school shall be maintained by the personal influence of the matron and staff and shall be promoted by a system of rewards and privileges.

24. Punishment

When punishment is necessary for the maintenance of discipline, one of the following methods shall be adopted—

- (a) forfeiture of rewards or privileges or temporary loss of recreation;
- (b) separation from other juveniles:

Provided that this punishment shall only be used in exceptional cases and subject to the following conditions—

- (i) no juvenile under the age of twelve shall be kept in separation,
- (ii) the room used for the purpose shall be light and airy and kept lighted after dark,
- (iii) some form of occupation shall be given,
- (iv) means of communication with a member of the staff shall be provided,
- (v) if the separation is to be continued for more than twenty-four hours, the circumstances should be reported immediately to the secretary and his consent shall be obtained;

- (c) corporal punishment:

Provided that every effort shall be made to secure proper training without resort to corporal punishment. Where it is found necessary its application shall be in strict accordance with rule 25.

25. Corporal punishment

Corporal punishment in a school shall be subject to the following conditions

- (a) it shall be inflicted only with a cane or tawse of a type to be approved by the managers;
- (b) if applied on the palm of the hand, the cane shall be used and the number of strokes shall not exceed three on each palm, but no boy over fifteen shall be so punished;
- (c) if applied on the posterior with a cane or tawse, it shall be applied over the boy's ordinary cloth trousers and the number of strokes shall not exceed six for boys under fifteen, or eight for boys of fifteen and over:

Provided that in exceptional cases, with the special approval of one of the managers, twelve strokes may be administered to boys of fifteen and over;

- (d) no boy with any physical or mental disability shall be so punished without the sanction of a medical officer;

- (e) it shall, subject to the provisions of paragraph (g), be inflicted by the matron (or, during her absence, by the officer appointed under rule 14 to exercise the duties of the matron) or by an officer of the school in the presence and under the direction of the matron;

- (f) subject to the provisions of paragraph (g), it shall not be inflicted in the presence of other boys;
- (g) for minor offences committed in the schoolroom by boys under fifteen, the principal teacher may be authorised by the managers to administer with the cane not more than two strokes on each hand. Where the principal teacher is so authorised by the managers to administer corporal punishment, he shall keep a book, to be known as the schoolroom punishment book, and he shall at once enter therein any corporal punishment inflicted by him under this paragraph.

26. Record of corporal punishment

(1) The matron shall be responsible for the immediate recording of all corporal punishments and other such serious punishments in the punishment book which she is required to keep under rule 11, except corporal punishment inflicted by the principal teacher under rule 25(g).

(2) The matron shall examine the schoolroom punishment book, if any, at least once a week and shall sign it.

(3) The punishment book (and the schoolroom punishment book, if any) shall be examined and signed by the Chairman of the managers from time to time. These books shall also be shown to the medical officer at least once a quarter.

27. Unauthorised punishment by member of staff

Except as provided by these Rules, no member of the staff shall inflict any kind of punishment. Any person who commits a breach of this rule shall render himself liable to instant dismissal.

28. Juveniles not permitted to punish each other

No juvenile shall be allowed to administer any form of punishment to any other juvenile. **29. Placing out of juveniles**

It shall be the duty of the managers to place out on licence each juvenile as soon as he has made sufficient progress in his training. With this object in view, they shall review the progress made by each juvenile and all the circumstances of his case (including home surroundings) towards the end of his first year in the school and thereafter as often as may be necessary and at least annually, considering at each review the date at which he is likely to be fit to be placed out on licence.

30. Employment of juveniles on release

The managers shall see that every effort is made to obtain suitable employment for a juvenile who is fit for release and for this purpose they shall avail themselves, where necessary, of any help that can be obtained, whether from **public** organisations or private organisations or private individuals. Where the juvenile's home is unsatisfactory, they shall place him in a hostel or in other suitable lodgings.

31. Provision to be made for juveniles on leaving school

The managers shall provide every juvenile on leaving with sufficient outfit and, if necessary, with a reasonable sum of money for travelling and subsistence, and they shall communicate with his parents or guardians or other persons, if any, responsible for his maintenance.

32. Aftercare of juveniles

(1) The managers shall satisfy themselves that adequate arrangements are made for the aftercare of every juvenile from the school until the statutory period of supervision expires.

(2) The managers shall cause a monthly return of all juveniles discharged from the school to be sent to the Governor-General in such form as shall be approved by the Governor-General.

33. Medical officer

(1) The managers shall *make* arrangements for the appointment by the Governor-General of a medical officer whose duties shall include a thorough examination of each juvenile on admission and shortly before leaving school, a quarterly inspection of each juvenile, inspections of the school from a hygienic point of view, advice as to dietary and general hygiene, the examination and treatment of all sick and ailing juveniles and of such resident members of the staff as the managers may specify, the keeping of medical records in a form to be approved by the managers and the furnishing of such reports and certificates as the managers may require.

(2) Notice of meetings of managers shall be given to the medical officer so that he may have an opportunity of attending and of presenting a report.

34. Dentist

The managers shall make arrangements for the appointment by the Governor-General of a dentist whose duties shall include an examination of the teeth of each juvenile at least once a year and the undertaking of such fillings, extractions or other dental work of whatever nature as may be necessary. He shall keep a record of his work in a form approved by the managers.

35. Records

The managers shall arrange for the keeping of all such registers and records required by the Governor-General and shall cause to be sent to him any such returns, statements and other information as may be required by him from time to time.

36. Promulgation of Rules

The managers shall cause a copy of these Rules to be given to each member of the staff and the medical officer and dentist on appointment.

37. Inspection

The managers shall arrange that the school shall be open at all times to inspection by any person or persons appointed for that purpose by the Governor-General, and they shall give all facilities for the examination of the books and records of the school.

38. Lockers

Every effort shall be made by the managers to provide each juvenile with a locker in which to keep his personal possessions.

39. Violent death

(1) Any violent death shall be notified immediately by the managers to the coroner of the district in which the death occurs.

(2) A report of the proceedings at any inquest shall be sent by the coroner without delay to the managers.

**JUVENILES (COURTS) (FIRST AND SECOND
MAGISTERIAL DISTRICTS) ORDER**

SRO 51 of 1953

Amended by
Act No. 3 of 1978
SRO 38 of 1980

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JUVENILES (COURTS) (FIRST AND SECOND MAGISTERIAL DISTRICTS) ORDER

ARRANGEMENT OF ORDERS

ORDER

1. Citation. _____
2. Establishment and constitution.
3. Assessors.
4. Place of sitting.

JUVENILES (COURTS) (FIRST AND SECOND MAGISTERIAL DISTRICTS) ORDER

[SRO 51 of 1953 amended by Act No. 3 of 1978, SRO 38 of 1980.]

[Date of commencement: *8th December, 1953.*]**1. Citation**

This Order may be cited as the Juveniles (Courts) (First and Second Magisterial Districts) Order.

2. Establishment and constitution

There shall be established a juvenile court for each of the First and Second Magisterial Districts constituted of a magistrate and, subject to the proviso to section 5 of the Act, any two or more of the assessors nominated for the purpose in accordance with the Act.

3. Assessors*

The persons nominated by the Governor-General as assessors shall be the persons whose names are notified in the *Gazette* as so nominated for the purposes of the Act.

4. Place of sitting

(1) Each of the buildings in the First and Second Magisterial Districts at present set aside for use as magistrates' courts may *be* used for the holding of juvenile courts:

Provided that a juvenile court may adjourn its sitting to any other place, including a building not used as a magistrates' court, where the circumstance of the case render it expedient to do so.

(2) The times of sitting of the juvenile _____ courts shall be such as are fixed by the _____ magistrate.

* *Note.*—The number of assessors has been altered from "anyone or more ..." in the original order to "any two or more..." to avoid the paragraph being *ultra vires* section 5 of the Act.