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TURKS AND CAICOS ISLANDS

CHAPTER 3.07

JUVENILES ORDINANCE

Revised Edition
showing the law as at 31 August 2009

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This edition contains a consolidation of the following laws—

JUVENILES ORDINANCE

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CHAPTER 3.07
JUVENILES ORDINANCE
(Ordinances 11 of 1968, 12 of 1985 and 9 of 1998)

AN ORDINANCE RELATING TO JUVENILES.

Commencement

[18 January 1969]

Short title

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

PART I
PRELIMINARY

Interpretation

2. In this Ordinance—

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

"contribution order" means an order made by a Juvenile Court under section 34 requiring any person to make contributions in respect of any juvenile committed to the care of a fit person;

"fit person" means a person to whose care a juvenile is committed under the provisions of this Ordinance;

"guardian" in relation to a juvenile, includes any person who, in the opinion of the court, having cognizance of any case in relation to the juvenile or in which the juvenile is concerned, has for the time being the charge of or control over the juvenile;

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

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

"Juvenile Court" means a Juvenile Court established under section 3 of the Juvenile Courts Ordinance;

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

"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;

"Supervisor" means any person appointed as such by the Governor for the purpose of this Ordinance;

"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 years and is under the age of sixteen years.

Age of criminal responsibility

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

General considerations for guidance of court

4. 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 deems it necessary, take steps for removing the juvenile from undesirable surroundings.

PART II

PREVENTION OF CRUELTY TO AND PROTECTION OF JUVENILES

Cruelty to Juveniles

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

- (a) on conviction before the Supreme Court to a fine of \$10,000 or to a term of imprisonment of two years, or to both such fine and imprisonment,
- (b) on summary conviction, to a fine of \$2,500 or to a term of imprisonment of three months, or to both such fine and imprisonment.

(Amended by Ord. 9 of 1998)

- (2) For the purposes of this section—

- (a) a parent or other person legally liable to maintain a juvenile shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, such parent or other person fails to provide adequate food, clothing, rest, medical aid or lodging for him;
- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passage of the infant) while the infant was in bed with some other who has attained the age of seventeen years and was at the time of going to bed under the influence of drink or any drug, then that other person shall be deemed to have neglected the infant in a manner likely to cause injury to the infant's health;
- (c) any person, having attained the age of seventeen years who gives, or causes to be given, or sells or causes to be sold, to any child any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child's health;

- (d) any person, having attained the age of seventeen years and having the custody, charge or care of any child under the age of seven years, who allows that child to be in any room or yard containing a stove, coal-stove, or open 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 the child's health:

Provided that nothing in this subsection shall affect the liability of any person to be indicted for manslaughter or for any other offence under the Offences Against the Person Ordinance.

(3) A person may be convicted of an offence under this section—

- (a) notwithstanding that actual suffering or injury to health, or the likelihood or actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the juvenile in respect of whom the offence is committed.

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

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

- (i) in the case of a conviction before the Supreme Court the fine which may be imposed under this section shall be \$20,000 and the court may, instead of any other penalty, sentence that person to imprisonment for five years;
- (ii) in the case of a summary conviction the fine which may be imposed under this section shall be \$5,000 and the Magistrate may, instead of any other penalty, sentence that person to imprisonment for six months.

(b) For the purposes of this subsection-

- (i) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he is not the person to whom it is legally payable;

- (ii) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be *prima facie* 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.

(Amended by Ord. 9 of 1998)

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

Begging

6. (1) Every person who—

- (a) causes or procures any juvenile; or
- (b) having the custody, charge or care of a juvenile, allows him,

to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) commits an offence against this Ordinance.

(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.

Warrant to search for and remove juvenile

7. (1) If it appears to the Magistrate or a Justice of the Peace on complaint made on oath by any person who, in the opinion of the 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, illtreated or neglected in a manner likely to cause the juvenile unnecessary suffering; or
- (b) that any offence mentioned in the Schedule 1 has been or is being committed in respect of the juvenile,

the Magistrate or Justice of the Peace 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 him in a place of safety; or
- (ii) to remove the juvenile with or without search to a place of safety and to detain him there,

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

(2) A Magistrate or Justice of the Peace 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 the Magistrate's Court 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 or Justice of the Peace by whom the warrant is issued directs, be accompanied by a medical practitioner.

Power to bring juveniles in need of care or protection before court

8. Any police officer or Supervisor may bring before a Juvenile Court a juvenile in need of care or protection.

Powers of court

9. (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 offences mentioned in Schedule 1 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; or
- (b) requiring his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (c) placing him, either in addition to or without making an order under paragraph (a) or (b), for a specified period, not exceeding three years, under the supervision of a Supervisor.

(2) Any order made under subsection (1), may from time to time 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 the preceding subsection shall not remain in force for more than thirty days; but at any time within such period the court may, if it considers it expedient so to do, make a further interim order; so, however, that in no case shall any interim order or orders made under this and the preceding subsection 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.

Disposal of juvenile by order of court

10. (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 Schedule 1; or
- (b) committed for trial for any such offences; 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 9, and shall direct that a Supervisor 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; or
- (b) if that 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.

Provisions as to powers of Juvenile Courts

11. 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.

Methods of dealing with juvenile offenders

12. (1) Where a juvenile has been found guilty of an offence before a Juvenile Court, that court may, notwithstanding any provisions of the Magistrate's Court Ordinance, make an order—

- (a) dismissing the case;
- (b) under the Probation of Offenders Ordinance;
- (c) committing the offender to the care of any fit person, whether a relative or not, who is willing to undertake the care of him;
- (d) ordering the parent or guardian of the offender to enter into a recognizance for the good behaviour of such offender.

(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.

Special provisions relating to probation

13. (1) Where a juvenile has been placed under the supervision of a Supervisor, 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 years, 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 recognizance before a Juvenile Court or that court makes an order under the Probation of Offenders Ordinance in respect of a juvenile, the attainment by that person of the age of sixteen years 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 recognizance, or of jurisdiction to vary or discharge the recognizance.

Provisions relating to committal to fit person

14. (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 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 such person as to his fitness for being so appointed.

(2) A court before making an order under this Ordinance 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 34, stating the amount of such contribution and by whom it is payable.

PART IV

PROVISIONS PRELIMINARY TO AND TRIAL OF JUVENILE OFFENDERS

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

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

Bail or detention of juveniles

16. (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 recognizance 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; or
- (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.

Remand or committal to place of safety

17. (1) The 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.

Trial of juvenile when charged with an adult

18. Where a juvenile is charged with an offence jointly with a person who has attained the age of sixteen 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 the Magistrate's Court.

Juvenile charged with offence not triable summarily

19. Where a juvenile is charged with an offence in respect of which he is required to be committed for trial before the Supreme Court, proceedings for his committal for trial shall be heard in the 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 recognizance to appear at the court to which the juvenile is committed.

PART V

LEGAL PROVISIONS RELATING TO JUVENILES

Power to take offenders into custody

20. (1) Any police officer may take into custody, without warrant, any person who—

- (a) commits, within his view, any of the offences mentioned in Schedule 1;
- (b) has committed, or whom he has reason to believe to have committed, any of the offences mentioned in Schedule 1 if the police officer has reasonable ground for believing 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 recognizance, with or without sureties, as may in the judgment of that officer be required to secure the attendance of that person upon the hearing of the charge.

Power to hear case in absence of juvenile

21. Where, in any proceedings with relation to any of the offences mentioned in Schedule 1 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

Restriction on presence of child in court

22. No child, other than an infant in arms, shall be permitted to be present in court during the trial of any other person charged with any offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purpose of justice; and any child present in court when under this section he is not to be permitted to be so present shall be ordered to be removed.

Determination of age

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

(2) Where in any charge or information for any offence under this Ordinance or any of the offences mentioned in Schedule 1, 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 Ordinance be presumed to have been under, or to have attained, that age, as the case may be, unless the contrary is proved.

PART VI

EVIDENCE AND PROCEDURE

Evidence of child of tender years

24. (1) Where, in any proceedings against any person for any offence, any child of tender years called as a

witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and his evidence, though not given on oath, in the case of committal proceedings, when taken and reduced into writing in accordance with the provisions of the Magistrate's Court Ordinance or of this Ordinance, 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 Ordinance.

Power to clear court when juvenile giving evidence

25. (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 attorneys, 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*.

Extension of power to take deposition of juvenile

26. (1) Where the Magistrate is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the Magistrate's Court of any juvenile, in respect of whom any of the offences mentioned in the Schedule 1 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, 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.

Admission in evidence of deposition of juvenile

27. Where, in any proceedings in respect of any of the offences mentioned in Schedule 1, 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 26 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 counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the juvenile making the deposition.

Mode of charging offences

28. (1) Where a person is charged with committing any of the offences mentioned in Schedule 1 in respect of two or more juveniles, the same charge or information may allege 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 charges.

(2) The same charge or information may also charge any person as having the custody, charge, or care of a juvenile, 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 Schedule 1 charged against any person is a continuous offence, it shall not be necessary to specify in the charge or information the date of the acts constituting the offence.

PART VII GENERAL

Court other than Juvenile Court to have power of a Juvenile Court

29. Where under the provisions of this Ordinance 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.

Rights and powers of fit persons

30. The person to whose care a juvenile is committed by an order made under this Ordinance 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.

Transfer of juvenile under care of fit person

31. (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 Supervisor, 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 contributions in respect of him.

Escapes from fit persons

32. (1) A juvenile who runs away from a person to whose care he has been committed under this Ordinance may be apprehended without warrant by any police officer or Supervisor and brought back to that person 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 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, commits an offence against this Ordinance.

Contributions

33. (1) Where an order has been made by a Juvenile Court committing a juvenile to the care of a fit person the following persons shall be liable to make contributions in respect of him—

- (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 cohabitating with the mother of the juvenile, whether he is the putative father or not.

(2) Where a juvenile has been committed to the care of a fit person contributions under this Ordinance shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the juvenile.

Contribution orders

34. (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 33, liable to make contributions in respect of the juvenile, requiring that person to contribute such periodical payments in respect of each juvenile, as the court having regard to his means thinks fit. (*Amended by Ord. 12 of 1985*)

(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 Magistrate's Court Ordinance.

(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 to do so, or if he knowingly gives notice false in any material particular, he commits an offence against this Ordinance.

Provisions as to affiliation order

35. (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 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 33.

(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.

General penalty

36. Any person who commits an offence against this Ordinance for which no specific punishment is provided shall be liable on summary conviction to a fine of \$2,500, and in default of payment to a term of imprisonment of three months, and in the case of a continuing offence to a further fine of \$250 for each day on which the offence continues after conviction. (*Amended by Ord. 9 of 1998*)

Forms

37. 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 35 shall be in the appropriate form set out in Schedule 2, and such forms may be amended or revoked and different and additional forms may be prescribed by order made by the Governor.

SCHEDULE 1

(Sections 7(1) (6), 9, 10(1), 20(1), 21 and 23)

1. Any offence under Part II of this Ordinance.
2. Any offence against or involving a juvenile under the Offences Against the Person Ordinance.
3. Any other offence involving bodily injury to a juvenile.

SCHEDULE 2

(Section 37)

JUVENILES ORDINANCE

ORDER COMMITTING JUVENILE TO CARE OF FIT PERSON

To

WHEREAS a juvenile

was brought before the Juvenile Court at

as being in need of care or protection, or charged with an offence of

AND WHEREAS the said court considers 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

..... to deliver the said juvenile to

..... who has undertaken to care for the said juvenile and to command you the said

..... 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 Ordinance.

IT IS HEREBY DECLARED THAT—

(a) the age of the said juvenile is years months, being
born on the day of

(b) his religious persuasion is

(c) a contribution order in the sum of a week payable
by being the of the
said juvenile has been made.

Given under my hand this day of

at

**JUVENILES ORDINANCE
CONTRIBUTION ORDER**

WHEREAS an order committing a juvenile to the care of
..... 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 being the of the
said juvenile shall pay to each sum of
week to be applied in accordance with the provisions of the Juveniles Ordinance, the first of such payments to be made on
the day of so long as the said juvenile remains in the care
of the said or until this order is varied or revoked in accordance with the provisions of the
Juveniles Ordinance.

Given under my hand this day of.....
at

**JUVENILES ORDINANCE
ORDER TRANSFERRING PAYMENTS UNDER AFFILIATION ORDER**

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

AND WHEREAS an order committing the said 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 in accordance with the provisions of the Juveniles
Ordinance.

Given under my hand this day of
at