

Country Code:	TC 2009 Rev. CAP. 3:06
Title:	YOUNG OFFENDERS PUNISHMENT ORDINANCE
Country:	TURKS AND CAICOS ISLANDS
Reference:	4/1909
Date of entry into force:	17th January, 1909
Date of Amendment:	7th April, 1986; 15th May, 1998
Subject:	Children – Law – Turks and Caicos Islands
Key words:	Child; Young offender; Trial of child; Sentencing During Her Majesty's Pleasure



TURKS AND CAICOS ISLANDS

CHAPTER 3.06
YOUNG OFFENDERS
PUNISHMENT ORDINANCE

Revised Edition
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

YOUNG OFFENDERS PUNISHMENT ORDINANCE

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Ordinance 4 of 1909 .. in force 17 January 1909

Amended by Ordinances: 13 of 1968

13 of 1985 .. in force 7 April 1986 (L.N. 12/1986)

9 of 1998 .. in force 15 May 1998

No Subsidiary Legislation has been made under this Ordinance

Published in 2011

On the authority and on behalf of the Government of the Turks and Caicos Islands

By

The Regional Law Revision Centre Inc.

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Printed on the authority and on behalf of the Government of the Turks and Caicos Islands

by

The Regional Law Revision Centre Inc.

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Authorised Printers for this Revised Edition

CHAPTER 3.06
YOUNG OFFENDERS PUNISHMENT ORDINANCE
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CHAPTER 3.06
YOUNG OFFENDERS PUNISHMENT ORDINANCE
(Ordinances 4 of 1909, 13 of 1968, 13 of 1985 and 9 of 1998)

Commencement

[17 January 1909]

Short title

1. This Ordinance may be cited as the Young Offenders Punishment Ordinance.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
"child" means a person who appears to the Court before whom he is brought to be under the age of fourteen years;
"Court" means the court exercising jurisdiction in any particular case and includes a Juvenile Court established under the provisions of the Juvenile Courts Ordinance;
"guardian" in relation to a child or young person includes any person who, in the opinion of the Court having cognizance of any case in which a child or young person is concerned, has for the time being the charge or control over such child or young person;
"person" includes child, young person and adult;
"young person" means a person who appears to the Court before whom he is brought, to be of the age of fourteen years and under the age of sixteen years.

Summary trial and punishment of child or young person charged with certain offences

3. (1) When a child or young person is charged before a Court with an offence, other than homicide, for which he may be committed for trial before the Supreme Court, the Court, if it thinks expedient so to do, may deal summarily with the offence and, without prejudice to any other powers for dealing with offenders without imposing any fine or imprisonment, upon conviction may—

- (a) in the case of a child, order him to be detained for a period not exceeding three months in such place and under such conditions as the Governor may appoint or may impose a fine of \$2,000;
 - (b) in the case of a young person, impose a fine of \$5,000 or imprisonment for three months.
- (Amended by Ords. 13 of 1985 and 9 of 1998)*

(2) Any child detained under the provisions of subsection (1) of this section shall be deemed to be in lawful custody.

Procedure against guardian

4. Where upon the hearing of a charge for an offence against a child or a young person the Court has ordered the offender to pay a sum of money by way of fine, damages or costs, the Court, if it thinks it expedient so to do, may stay the execution of such order and proceed as follows—

- (a) cause a summons to be issued to the guardian of such offender to appear before the Court and show cause why he should not be ordered to pay such sum of money; and
- (b) adjourn the proceedings against such child or young person until the hearing of such summons; and
- (c) if, after service of such summons, the guardian on the hearing thereof fails to satisfy the Court that the commission of the offence, for which such child or young person has been ordered to pay such sum of money, was not due to any lack of supervision or control on his part, the Court may—
 - (i) revoke its original order and discharge the offender; and
 - (ii) order the guardian to pay such sum of money. The process for enforcing payment thereof may be by warrant of distress to levy and sell the goods of the parent or guardian of such child or young person.

Guardian's right to call evidence

5. Upon the hearing of such summons the guardian shall be entitled to call and examine evidence, and be himself a competent, but not compellable witness in his behalf.

Court may allow time for payment of fine

6. A Court by whose conviction or order any sum is adjudged to be paid may—

- (a) allow time for the payment of the said sum; and
- (b) direct payment to be made of the said sum by instalments.

Child not to be imprisoned

7. Notwithstanding the provisions of any Ordinance, a child, upon conviction by any Court of any offence, shall not be sentenced to imprisonment, but in lieu thereof, if the Court considers that no other sentence or order is appropriate, shall be sentenced to be detained for such term, not exceeding three years, as the Court may specify, in such place and subject to such conditions as the Governor may appoint,* and while so detained shall be deemed to be in lawful custody.

Death sentence shall not be pronounced or recorded against a child or young person

8. Sentence of death¹ shall not be pronounced on or recorded against a child or young person, but in lieu thereof the Court shall sentence the child or young person to be detained during Her Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Ordinance, be liable to be detained in such place and under such conditions as the Governor may direct, and while so detained shall be deemed to be in lawful custody.

* No place had been appointed as at the revision date

¹ Sentence of death abolished for murder by UK SI 1991, No 988; and for treason and piracy by L. N. 25/2002.