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**CHAPTER 44.****CHILDREN AND YOUNG PERSONS.***

35 of 1945.
12 of 1947.
22 of 1949.
19 of 1952.

An Ordinance relating to Children and Young Persons.

[31ST DECEMBER, 1945.]

1. This Ordinance may be cited as the Children and Young Persons Ordinance, and shall apply to the Colony and to the Protectorate. Short title.

PART I.—PRELIMINARY.

2. In this Ordinance, unless the context otherwise requires— Interpreta-
tion.
“approved school” means a school established by the Governor under the provisions of section 31 or any place or institution declared to be an approved school under the provisions of that section;

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

“guardian” in relation to a child or young person includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;

“juvenile court” means a Magistrate’s Court sitting as prescribed in sub-sections (1) and (2) of section 3 for the hearing and determination of cases relating to children or young persons and includes a juvenile court held by a Magistrate and two or more Justices of the Peace by virtue of an Order in Council made under section 4; 19 of 1952.

“probation officer” means a person appointed as such under this Ordinance and includes a deputy probation officer or assistant probation officer;

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

PART II.—SPECIAL PROVISIONS AS TO PROCEDURE.

3. (1) A Magistrate’s court when hearing charges against children or young persons shall, if practicable, unless the child or young person is charged jointly with any other person not Juvenile
courts.

* The title of this Ordinance has been changed from “Young Persons and Children”.

being a child or young person, sit in a different building or room from that in which the ordinary sittings of the court are held or on different times from those at which the ordinary sittings are held.

(2) If in the course of any proceedings in a Magistrate's court it appears to the court that the person charged or to whom the proceedings relate is under the age of seventeen years the court shall continue with the hearing and determination of the case in accordance with the provisions of this Ordinance, but nothing herein shall be deemed to make it necessary for such court to adjourn the case in order to comply with the provisions of this section, and a court so sitting shall be a juvenile court for the purposes of this Ordinance.

Cap. 39.

(3) If in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of seventeen years or upwards the court shall proceed with the hearing and determination of the case in accordance with the provisions of the Criminal Procedure Ordinance but nothing herein shall be deemed to make it necessary for such court to adjourn the case into the public court room unless the court considers it desirable so to do, and the court so constituted shall be a Magistrate's court:

19 of 1952.

Provided that where the juvenile court is being held by a Magistrate and two or more Justices of the Peace in accordance with the provisions of an Order in Council made under section 4, the Justices of the Peace shall withdraw and the Magistrate shall proceed with the hearing and determination of the case.

(4) Provision shall be made for preventing persons apparently under the age of seventeen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of seventeen years is jointly charged or convicted.

(5) In a juvenile court no person other than the members and officers of the court, the relatives of the accused and the parties to the case, their advocates, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend:

Provided that *bona fide* representatives of a newspaper or news agency shall not be excluded except by special order of the court:

Provided further that no person shall publish the name, address, school, photograph or anything likely to lead to the

identification of the child or young person before the juvenile court save with the permission of the court or in so far as required by the provisions of this Ordinance. Any person who acts in contravention of the provisions of this proviso shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding ten pounds.

4. Notwithstanding the provisions of section 32 of the Courts Ordinance the Governor in Council may by Order provide that, in any Judicial District specified therein, a juvenile court may, subject to the directions of the Chief Justice, be held by a Magistrate having jurisdiction therein and two or more Justices of the Peace.

Special juvenile courts.

Cap. 7.

19 of 1952.

5. Where a person apparently under the age of seventeen years is apprehended with or without a warrant and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought shall—

Bail of children and young persons arrested.

(a) unless the charge is one of homicide or any offence punishable with imprisonment for a term exceeding seven years; or

(b) unless it is necessary in the interest of such person to remove him from association with any undesirable person; or

(c) unless the officer has reason to believe that the release of such a person would defeat the ends of justice,

release such person on a recognisance being entered into by him or by his parents or guardian, or other responsible person, with or without sureties for such amount as will in the opinion of the officer secure the attendance of such person upon the hearing of the charge.

6. It shall be the duty of the Commissioner of Police to make arrangements for preventing, so far as practicable, a child or young person while in custody, from associating with an adult, other than a relative, charged with an offence.

Association with adults whilst in custody.

7. When a child or young person is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court.

Juvenile court may dispose of all cases other than homicide.

8. It shall be the duty of a juvenile court when hearing a charge against a child or young person to explain to him in simple language the substance of the alleged offence.

Charge to be explained.