

## TRINIDAD AND TOBAGO.

## No. 11—1931.

I ASSENT,

[L.S.]

A. C. HOLLIS,  
*Governor.*

5th May, 1931.

AN ORDINANCE to amend the law with respect to the administration of criminal justice in the Colony in reference to Juvenile Offenders.

[5th May, 1931.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

Short title.

1. This Ordinance may be cited as the Juvenile Offenders Ordinance, 1931.

Definition of  
" Young  
Person "  
added to s.2  
of Cap. 24.

2. Section 2 of the Summary Conviction Offences (Procedure) Ordinance is hereby amended by adding at the end thereof the words :

" Young Person " means any person who in the opinion of the Court before whom he appears or is brought is fourteen years of age or upwards and under the age of sixteen years.

3. Section 95 and the heading thereto of the Summary Conviction Offences (Procedure) Ordinance are hereby repealed and the following heading and section shall be substituted therefor:—

Repeal of s. 95  
of Cap. 24.

*Trial of child or young person.*

95.—(1) Where a child or young person is brought before a Court for any offence it shall be the duty of the Court as soon as possible to explain to him in simple language the substance of the alleged offence.

Procedure  
where child or  
young person  
charged.

(2) Where a child is charged before a court for any offence other than murder or manslaughter the case shall be dealt with summarily and it shall not be necessary to ask the parent or guardian of the child if he consents to the child being dealt with summarily.

(3) Where a young person is charged before a court with any indictable offence other than murder or manslaughter and the Court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily, the Court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying—"Do you wish to be tried by this Court or by a Jury?" and the Court shall explain to the young person and to his parent or guardian the meaning of being so tried and the place where the trial would be held.

(4) After explaining the substance of the alleged offence the Court shall ask the child or the young person (except in cases where the young person does not consent to be tried summarily) whether he admits the offence.

(5) If the child or young person does not admit the offence the Court shall then hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness the child or young person shall be asked if he wishes to put any questions to the witness.

If the child or young person instead of asking questions wishes to make a statement he shall be allowed to do so. It shall be the duty of the Court to put to the witnesses such questions as appear to be necessary. The Court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

(6) If it appears to the Court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard and the child or young person shall be allowed to give evidence or to make any statement.

(7) If the child or young person admits the offence or the Court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the Court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the Court may from time to time remand the child or young person on bail or to a place of detention provided under section 85 of the Children Ordinance, Cap. 31.

(8) If the child or young person admits the offence or the Court is satisfied that it is proved, and the Court decides that a remand is necessary for purposes of inquiry or observation, the Court may cause an entry to be made in the Court register that the charge is proved and that the child or young person has been remanded. The Court before which a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the Court which so remanded the child or young person.

4. Sub-section (4) of section 11 of the Criminal Justice Ordinance, 1928, is hereby amended by substituting in the last line thereof "16" for "14."

Amendment of  
s. 11, (4) of  
Ord. 7 of 1928.

5. Section 79 of the Children Ordinance shall have effect as though the following sub-section were added thereto :

Amendment of  
s. 79 of  
Cap. 31.

(4) A young person sentenced to imprisonment shall not be allowed to associate with adult prisoners.

6. Sub-section (4) of section 88 of the Children Ordinance is hereby amended as follows :

Amendment  
of s. 88 of  
Cap. 31.

(a) by inserting the words "except by special order of the Court" after the word "excluded" in the last line ;

(b) by inserting the following as sub-section (5) :

(5) 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 Court, save with the permission of the Court or in so far as required by this Ordinance. Any person who acts in contravention of the provisions of this sub-section shall be liable to a penalty not exceeding ten pounds.

Passed in Council this twenty-fourth day of April, in the year of Our Lord one thousand nine hundred and thirty-one.

J. W. DAY,

*Clerk of the Council.*