

Change of title from Y.O. D.I. to Youth Training Centre
Golden Grove, Arona. Vide Proclamation
No 6/1949 dated 5/5/49.

CHAPTER 11. No. 9.

21. 1945

YOUNG OFFENDERS DETENTION.

Ordinances AN ORDINANCE TO PROVIDE FOR THE REFORMATION OF YOUNG
No. 19—1926. OFFENDERS AND FOR THEIR DETENTION IN AN INDUSTRIAL
,, 29—1928. INSTITUTION.
,, 20—1936,
ss. 22-24.
Commencement. [6th November, 1926.]

Short title, to
Amended
Y.T.C.
Proclamation
no 6/49 of 5/5/49.
Establish-
ment of
Industrial
Institution.

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

2. (1) It shall be lawful for the Governor in Council by
proclamation to establish an Industrial Institution (hereinafter
referred to as "the Institution") in which young offenders
whilst detained may be given such industrial training and
other instruction, and be subject to such disciplinary and moral
influences as will conduce to their reformation and the
prevention of crime.

(2) The expense attendant upon the establishment, conduct
and maintenance of the Institution shall be paid out of moneys
to be voted by the Legislative Council.

Institution
to be under
control of
Supt. of
prisons.
Officers.

3. The Institution shall be under the direction and control
of the Superintendent of prisons.

4. The Governor may appoint such officers, instructors and
overseers for the Institution as he may think fit.

Regulations.

5. The Governor in Council may make regulations for all
or any of the following matters,—

- (a) the trades or employments which the persons
detained in the Institution are to be taught and employed
at;
- (b) the management of the Institution;

(c) the discipline of the Institution and the punishment of offences committed by the officers thereof and the persons detained therein;

(d) the classification of the persons detained in the Institution;

(e) the clothing and diet of the persons detained in the Institution;

(f) the establishment of a system of marks and of rewards for good conduct;

(g) the remission for good conduct of part of the time for which a person has been sent to the Institution;

(h) the awarding of gratuities on discharge; and

(i) generally for the better carrying out of the provisions of this Ordinance.

6. Subject to regulations made under this Ordinance, sections 8, 11, 12, 13 and 14 of the Prisons Ordinance, shall, with the necessary modifications, apply in the case of the Institution as if it were a prison within the meaning of the said Ordinance.

Application of Prisons Ordinance.

7. Where a person is convicted before the Supreme Court on indictment of any offence other than murder, or before a Court of Summary Jurisdiction of any offence for which he is liable to be sentenced to imprisonment, and it appears to such Court—

Power of Courts to pass sentence of detention in Institution. Ord. 19-1926,

(a) that the person is not less than sixteen nor more than twenty-one years of age, and

ss. 6 and 7.

(b) that by reason of his antecedents or mode of life it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,

” 29-1928.
” 20-1936, ss. 22 and 23.

it shall be lawful for the Court in lieu of sentencing him to the punishment provided by law for the offence for which he was convicted, to pass a sentence of detention under penal discipline in the Institution for a term of not less than three years nor more than four years:

Provided that before passing such a sentence the Court shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid:

Provided further that no such sentence passed by a Court of Summary Jurisdiction shall be carried into effect until it has

Amended by 2/27/45 (2)

Amended by 2/19/45 (2)

been approved by the Governor, for the period fixed by such Court or for some shorter period, and if such sentence is not so approved, the Court may sentence the offender to any punishment provided by law for the offence of which he was convicted.

The best subject (2). Fido 2/19/48. (2)

Application
to Industrial
School
offences.

Ord. 20-1936,
s. 24.

8. Where a youthful offender sentenced to detention in an Industrial School (as defined in the Children Ordinance) is convicted under any Ordinance before a Magistrate of the offence of committing a breach of the rules of that school, or of inciting to such a breach, or of escaping from such a school, and the Magistrate might under that Ordinance sentence the offender to imprisonment, the Magistrate may, in lieu of sentencing him to imprisonment, sentence him to detention in the Institution for a term not less than three years nor more than four years, and in such case the sentence shall supersede the sentence of detention in the Industrial School.

Order of
detention.

9. The order of a Judge or Magistrate sending any person to the Institution (hereinafter referred to as the "order of detention") shall be in writing and shall specify the period for which such person is to be detained in the Institution, and may be in such form as the Governor may prescribe.

Order to be
authority for
detention.

10. The order of detention shall be forwarded to the Superintendent of prisons with the person, and shall be sufficient warrant for the conveyance of the person thither and his detention in the Institution.

Police to
take person
committed to
the Institu-
tion.

11. Every person sentenced to detention in the Institution shall be taken there by the Police and may be detained in any prison or Police Station until he can be so taken.

Power to
release on
licence.

12. (1) Subject to regulations by the Governor in Council, the Superintendent of prisons may at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life; by licence permit him to be discharged from the Institution on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of the case.

Termination
of licence.

(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

(3) Subject to regulations by the Governor in Council a licence under this section may be revoked at any time by the Superintendent of prisons, and where a licence has been revoked, the person to whom the licence related shall return to the Institution, and if he fails to do so may be apprehended without warrant and taken to the Institution. Revocation of licence.

(4) If a person absent from the Institution under such a licence escapes from the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, he shall be considered thereby to have forfeited the licence. Forfeiture of licence.

(5) The Magistrate of the district in which the Institution is situate or where such a person is found may, on information on oath that the licence has been forfeited under this section, issue a warrant for his apprehension, and he shall, on apprehension, be brought before such Magistrate who, if satisfied that the licence has been forfeited, may order him to be remitted to the Institution. Warrant.

(6) The time during which a person is absent from the Institution under such a licence shall be treated as part of the time of his detention in the Institution: Provided that where that person has failed to return to the Institution on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the Institution. Time of detention and licence, how computed.

(7) A licence under this section shall be in such form and shall contain such conditions as may be prescribed by regulations made by the Governor in Council. Form of licence.

13. If any person detained in the Institution wilfully refuses or neglects to conform to the regulations thereof, he shall be liable, on summary conviction, to be imprisoned for three months; and at the expiration of the term of his imprisonment, he shall be brought back to the Institution, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison. Refusal to conform to regulations of Institution.

14. Where a person detained in the Institution is reported to the Governor by the Superintendent of prisons to be incorrigible, or to be exercising a bad influence on the other inmates of the Institution, the Governor may commute the unexpired residue of the term of detention to such term of Transfer to prison of inmate who is incorrigible or of bad character.

imprisonment, with or without hard labour, as the Governor may determine, but in no case exceeding such unexpired residue.

Transfer from
prison to
Institution.

15. The Governor may, if satisfied that a person undergoing imprisonment, being within the limits of age within which a person may be detained in the Institution, might with advantage be detained in the Institution, authorise the Superintendent of prisons to transfer him from prison to the Institution, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in the Institution this Ordinance shall apply to him as if he had been originally sentenced to detention in the Institution.

Escaping
from Institu-
tion.

16. (1) If any person detained in the Institution escapes therefrom, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be then brought before a Magistrate; and he shall be liable on summary conviction to be brought back to the Institution and to have the period of detention therein increased by such period, not exceeding six months, as the Magistrate directs, ~~or to be imprisoned for three months; and, if sentenced to imprisonment he shall, at the expiration of the term thereof, be brought back to the Institution.~~

Period of
escape not
reckoned in
period of
detention.

(2) In computing the time during which a person who, having escaped, is brought back to the Institution, is thereafter liable to be detained in the Institution, the time during which he was absent from the Institution, ~~including the time (if any) during which he was imprisoned under this section, shall not be reckoned as part of the period of detention.~~

Assisting to
escape and
harbouring,
etc.

(3) If any person—

(a) knowingly assists, either directly or indirectly, any person detained in the Institution to escape therefrom, or

(b) directly or indirectly induces any such person to escape from the Institution, or

(c) knowingly harbours, conceals or prevents from returning to the Institution any person who has escaped therefrom, or knowingly assists in so doing,

he shall be liable, on summary conviction, to a fine of one hundred and forty-four dollars, or to imprisonment for three months.

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of 9/1/42

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