

THE YOUNG OFFENDERS DETENTION ORDINANCE, 1926.

Arrangement of Sections.

<i>Section.</i>	
1.	Short title.
2.	Establishment of Industrial Institution.
3.	Institution to be under control of Superintendent of Prisons.
4.	Officers.
5.	Regulations.
6.	Power of Supreme Court to pass sentence of detention in Institution.
7.	Power of Magistrate to pass sentence of detention in Institution.
8.	Application to Industrial School offences.
9.	Order of detention.
10.	Order to be authority for detention.
11.	Constabulary to take person committed to the Institution.
12.	Power to release on licence.
13.	Refusal to conform to regulations of Institution.
14.	Transfer of incorrigible, &c., to prison.
15.	Transfer from prison to Institution.
16.	Escaping from Institution.
17.	Publication of Regulations.

THE YOUNG OFFENDERS DETENTION ORDINANCE, 1926.

Comparative Table.

Section in Ordinance.	Corresponding section in the Prevention of Crime Act, 1908.	Corresponding section in the Young Offenders Detention Ordinance, 1909 (British Guiana).
1	19 (1)	1
2	4	2
3		3
4		4
5	4 (2)	5
6	1	6
7	1	7
8	2	8
9		9
10		10
11		11
12	5	12
13	cf. Children Act, 1908, s. 71.	13
14	7	15
15	3	
16	cf. Children Act, 1908, s. 72	14 and 16.
17		

Vide 794 1928

TRINIDAD AND TOBAGO.

No. 19—1926.

I ASSENT,

[L.S.]

H. A. BYATT,

Governor.

6th November, 1926.

AN ORDINANCE to provide for the reformation of young offenders and for their detention in an Industrial Institution.

[6th November, 1926.]

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

1. This Ordinance may be cited as the Young Offenders Short title. Detention Ordinance, 1926.

2.—(1) It shall be lawful for the Governor in Executive Establishment of Industrial Institution. 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.

[Price 6d.]

Institution
to be under
control of
Supt. of
Prisons.

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

Officers.

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

Regulations.

5.—(1) The Governor in Executive 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.

Application
of Prisons
Ordinance,
Cap. 94.

(2) Subject to such regulations, 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.

Power of
Supreme
Court to pass
sentence of
detention in
Institution.

6. Where a person is convicted before the Supreme Court on indictment of any offence other than murder and it appears to the Court:—

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

- (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,

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 ~~one~~ ^{two} year nor more than five years :

S' 26 of 7/1928

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.

7. Where a person is convicted before a Magistrate of any offence for which he is liable to be sentenced to imprisonment, ~~after a previous conviction for any offence for which he might be so sentenced, or after an order of detention in an Industrial School,~~ and it appears to such Magistrate :—

Power of Magistrate to pass sentence of detention in Institution.

see sec 2 of 29 of 1928

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

it shall be lawful for the Magistrate 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 ~~one~~ ^{two} year nor more than three years :

S' 26 of 7/1928

Provided that before passing such a sentence the Magistrate 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 : and provided further that no such sentence shall be carried into effect until it has been approved by the Governor, for the period fixed by the Magistrate or for some shorter period, and if such sentence is not so approved, the Magistrate may sentence the offender to any punishment provided by law for the offence of which he was convicted.

Application
to Industrial
School
offences.

8. Where a youthful offender sentenced to detention in an Industrial School 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 ~~one~~^{three} year nor more than three years, and in such case the sentence shall supersede the sentence of detention in the Industrial School.

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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.

Constabulary
to take person
committed
to the
Institution.

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

Power to
release on
licence.

12.—(1) Subject to regulations by the Governor in Executive 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.

(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. Termination of licence.

(3) Subject to regulations by the Governor in Executive 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 Executive Council. Form of licence.

Refusal to conform to regulations of Institution.

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 before a Magistrate, to be imprisoned, with or without hard labour, for any term not exceeding 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.

Transfer of incorrigible, &c., to prison.

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 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 Institution.

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, with or without hard labour, for any term not exceeding three months; and, if sentenced to imprisonment he shall, at the expiration of the term thereof, be brought back to the Institution.

(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.

Period of
escape not
reckoned
in period of
detention.

(3) If any person—

(i) Knowingly assists, either directly or indirectly, any person detained in the Institution to escape therefrom ; or

(ii) Directly or indirectly induces any such person to escape from the Institution ; or

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

Assisting to
escape and
harbouring,
&c.

he shall be liable, on summary conviction before a Magistrate, to a fine not exceeding Thirty Pounds, or, to imprisonment, with or without hard labour, for any term not exceeding three months.

17. All regulations made under this Ordinance shall be published in the *Royal Gazette*.

Publication of
Regulations.

Passed in Council this twenty-ninth day of October, in the year of Our Lord one thousand nine hundred and twenty-six.

JOHN DE NOBRIGA,
Clerk of the Council.