

No. 39 OF 1935.

A LAW TO MAKE BETTER PROVISION FOR PROCEEDINGS IN REFERENCE TO JUVENILE OFFENDERS. A.D. 1935.
39 of 1935.

H. R. PALMER,]
Governor.

[23rd December, 1935.

BE it enacted:—

1. This Law may be cited as the Juvenile Offenders Law, Short title.
1935.

2. In this Law, unless the context otherwise requires— Interpreta-
tion.
“child” means a person under the age of fourteen years;

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

“Juvenile Court” means a Magisterial Court when sitting to hear charges against children or young persons other than charges against a child or young person jointly with an adult;

“reformatory” means a place declared by the Governor to be a reformatory for the purposes of this Law;

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

3.—(1) A Juvenile Court shall sit in a different building or room from that in which the ordinary sittings of the Magisterial Court are held, or on different days or at different times from such sittings. Juvenile
Courts.

(2) Where 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 sixteen years or upwards, or where in the course of any proceedings in any Court other than a Juvenile Court it appears that the person charged or to whom the proceedings relate is under the age of sixteen years, nothing in this Law shall be construed as preventing the Court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case,

(3) Provision shall so far as practicable be made for preventing persons apparently under the age of sixteen 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 sixteen years is jointly charged or convicted.

(4) In a Juvenile Court no person other than the members and officers of the Court 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 also 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 Law. Any person who acts in contravention of the provisions of this proviso shall be liable to a fine not exceeding ten pounds.

Bail of
children and
young per-
sons arrested.

4.—(1) Where a person apparently under the age of sixteen years is apprehended with or without warrant and cannot be brought forthwith before a Court, any Police officer not below the rank of sergeant or the Police officer in charge of the Police Station to whom such person is brought shall inquire into the case, and may in any case, and

- (a) unless the charge is one of homicide or other grave crime ;
- (b) unless it is necessary in the interest of such person to remove him from the association with any undesirable person ; or
- (c) unless the Police officer has reason to believe that the release of such person would defeat the ends of justice,

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

(2) Where such person is not released on recognizance under the provisions of sub-section (1), the Police officer to whom such person is brought shall cause him to be detained in a Police Station until he has been brought before a Court.

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

Association with adults during detention in Police Stations.

6.—(1) A Court on remanding or committing for trial a child or young person who is not released on bail, shall, where practicable, instead of committing him to prison, commit him to custody in a Police Station named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law.

Remand or committal to custody in Police Station.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be suitably detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any Court acting in or for the place in or for which the Court which made the order acted, and if it is revoked the young person may be committed to prison.

7.—(1) Where a child or young person is brought before a Juvenile 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 in Juvenile Court.

(2) Where a child or young person is brought before a Juvenile Court for any offence other than homicide the case shall be summarily disposed of in such Court, and it shall not be necessary to ask the child or young person or the parent of such child or young person whether he consents that the child or young person shall be dealt with in the Juvenile Court.

(3) After explaining the substance of the alleged offence the Court shall ask the child or young person whether he admits the offence.

(4) 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 a 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.

(5) 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 make a statement or to give evidence on oath in which latter case he will be liable to cross-examination.

(6) 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. In order to enable it to deal with the case in the best interests of the child or young person, the Court may obtain such information as to his general conduct, home surroundings, school record, and medical history, as it may deem necessary, 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 in custody.

(7) 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 enquiry or observation, the Court shall record 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.

8. Where a child or young person is charged with any offence, the Court may, in its discretion, require the attendance of his parent or guardian and may make such orders as are necessary for the purpose.

9.—(1) No child shall be sentenced to imprisonment.

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way whether by fine, corporal punishment, committal to a reformatory or otherwise.

Power of Court to require attendance of parent or guardian.

Restrictions on punishment of children and young persons.

(3) A young person sentenced to imprisonment shall not, so far as practicable, be allowed to associate with adult prisoners.

10. No appeal as to sentence shall lie where a child or young person is sentenced to a whipping only. Restriction on appeals.

11.—(1) Any person may bring before a Court any person apparently under the age of fourteen years who— Children liable to be committed to care of relative, etc.

(a) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise), or is found in any street, premises, or place for the purpose of so begging or receiving alms ; or

(b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship ; or

(c) not being an orphan is found destitute, if his parents or surviving parent, or in the case of an illegitimate child his mother, are or is undergoing imprisonment ; or

(d) is under the care of a parent or guardian who, by reason of criminal, drunken or immoral habits, is unfit to have the care of the child ; or

(e) frequents the company of any reputed thief, or common or reputed prostitute ; or

(f) is lodging or residing in a house or the part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child,

and the Court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of that fact, may order the child to be taken out of the custody, charge, or care of any person, and to be committed to the care of a relative of the child or some other fit person or institution named by the Court (such relative or other person or institution being willing to undertake such care), until the child attains the age of sixteen years, or for any shorter period, and may, in addition to such order, make an order that the child be placed under the supervision of a Police officer, and the Court may of its own motion, or on the application of any person, from time to time, by order renew, vary or revoke any such order :

Provided that a child shall not be treated as coming within the description contained in paragraph (e) if the only common or reputed prostitute whose company the child frequents is the mother of the child, and she exercises proper guardianship and due care to protect the child from contamination.

(2) Every order made under this section or section 12 shall be in writing, and any such order may be made by the Court in the absence of the child; and the consent of any person or institution to undertake the care of the child in pursuance of any such order shall be proved in such manner as the Court may think sufficient to bind that person or institute.

Maintenance
orders
against
parents, etc.

12.—(1) Any person or institution to whose care a child is committed under section 11 shall, whilst the order is in force, have the same right of control over the child as a parent and shall be responsible for his maintenance, and the child shall continue in the care of such person or institution, notwithstanding that he is claimed by his parent or any other person, and if any person—

(a) knowingly assists or induces, directly or indirectly, a child to escape from the person or institution to whose care he is so committed; or

(b) knowingly harbours, conceals or prevents from returning to such person or institution, a child who has so escaped or knowingly assists in so doing,

he shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months.

(2) Any Court having power under section 11 to make an order committing a child to the care of a person or institution shall have power to make orders on the parent or other person liable to maintain the child to contribute to his maintenance during such period as aforesaid such sums as the Court shall think fit, and may from time to time vary such orders.

(3) Any such order may be made on the complaint or application of the person or institution to whose care the child is for the time being committed, and either at the time when the order for the committal of the child to his care is made, or subsequently, and the sum contributed by the parent or such other person shall be paid to such person or institution as the Court may name, and be applied for the maintenance of the child.

(4) Where any parent or other person has been ordered under this section to contribute to the maintenance of a child, he shall give notice of any change of address to the Registrar of the Court which made the order and if he fails to do so without reasonable excuse, he shall be liable to a fine not exceeding one pound.

(5) The Governor may at any time in his discretion discharge a child from the care of any person or institution to whose care he is committed in pursuance of this section, either absolutely or on such conditions as the Governor approves, and may, if he thinks fit, by Order in Council, make rules in relation to children so committed to the care of any person or institution, and to the duties of and remuneration of such persons or institution with respect to such children.

13. Where a child or young person charged with any offence is tried by any Court, and the Court is satisfied of his guilt, the Court shall take into consideration the manner in which, under the provisions of this or any other Law or otherwise enabling the Court to deal with the case, the case should be dealt with, namely whether—

Methods of
dealing with
juvenile
offenders.

- (a) by dismissing the charge;
- (b) by discharging the offender on his entering into a recognizance conditional that he shall appear and receive judgment at some future sitting of the Court or when called upon;
- (c) by committing the offender to the care of a relative or other fit person;
- (d) by sending the offender to a reformatory for a period of not less than six months and not more than four years;
- (e) by ordering the offender to be whipped in accordance with the provisions of section 30 (2) of the Cyprus Criminal Code Order in Council, 1928, in addition to or in substitution for any other punishment to which he is liable;
- (f) by ordering the offender to pay a fine, damages or costs: Provided that the Court may in any case, and shall if the offender is a child, order that the fine, damages or costs awarded be paid by the parent or guardian of the child or young person, instead of by the child or young person, unless the Court is satisfied that the parent or guardian cannot be

found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person ; or

(g) where the offender is a young person, sentence him to imprisonment for the term he is liable.

Power to Court to commit inmate of reformatory to prison.

14. Where it is made to appear to a Juvenile Court by the person in charge of a reformatory that a young person who has been sent to such reformatory has proved to be of so unruly or depraved a character as to make him unfit to be an inmate of the same, the Court may commit such young person to prison for the remainder of the period for which he was sent to the reformatory.

Presumption and determination of age.

15. Where a person, whether charged with an offence or not, is brought before any Court otherwise than for the purpose of giving evidence, and it appears to the Court that he is a child or young person, the Court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the Court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the Court, and the age presumed or declared by the Court to be the age of the person so brought before it shall, for the purposes of this Law, be deemed to be the true age of that person, and, where it appears to the Court that the person so brought before it is of the age of sixteen years or upwards, that person shall for the purposes of this Law be deemed not to be a child or young person.

Regulations.

16. The Governor in Council may make regulations to be published in the *Gazette* for any of the following purposes—

- (a) the maintenance of good order and discipline in reformatories ;
- (b) generally, for the better carrying out of the purposes of this Law.

Right of parent, etc., to administer punishment.

17. Nothing in this Law contained shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.

This Law came into operation on 23rd December, 1935.