



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3276 OF 5TH DECEMBER, 1946.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 23 OF 1946.

**A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING
TO JUVENILE OFFENDERS.**

C. C. WOOLLEY,
Governor.

[*2nd December, 1946.*]

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Juvenile Offenders Law, Short title.
1946.

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—
“approved residence” means any school, institution or residence other than a reform school, declared by the Governor under the provisions of this Law to be an approved residence ;

“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 any member of a District Court when sitting to hear charges against children or young persons other than charges against a child or young person jointly with an adult ;

“reform school” means a place declared by the Governor under the provisions of this Law to be a reform school ;

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

“probation officer” means a person appointed by the Governor under the provisions of this Law to be a probation officer and includes a deputy probation officer so appointed.

Declaration
of reform
school and
approved
residence.

3.—(1) The Governor may declare any place in the Colony to be a reform school for the purposes of this Law and of any regulations made thereunder.

(2) The Governor may declare any school, institution or residence, other than a reform school, to be an approved residence for the purposes of this Law and of any regulations made thereunder.

Appoint-
ment of
probation
and deputy
probation
officers.

4.—(1) The Governor may appoint fit and proper persons to be probation officers.

(2) The Governor may, from time to time, appoint deputy probation officers to act in addition to, or in the absence or during illness or incapacity of, probation officers.

Juvenile
Courts.

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

(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 is 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, and any person who acts in contravention of the provisions of this proviso shall be liable to a fine not exceeding ten pounds.

6.—(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 release him on a recognizance, with or without sureties, being entered into by him or by his parent or guardian or other person acceptable to such police officer in such amount as will, in the opinion of such officer, secure the attendance of such person upon the hearing of the charge, and shall so release him unless—

Bail by
police officer
of children
and young
persons
arrested.

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

(2) Where such person is not released on a 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.

Remand by court.

7.—(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 to be there detained for the period for which he is remanded or until he is thence delivered in due course of law.

(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.

Association with adults during detention in custody.

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

Notice to probation officer by police officer or person bringing child or young person before court.

9. Where a child or young person is to be brought before any court the police officer or person bringing the child or young person before the court shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court, to the probation officer or one of the probation officers for the District in which the court will sit.

Procedure in Juvenile Court.

10.—(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.

(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 so 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.

11. 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.

Power of court to require attendance of parent or guardian.

Methods of dealing with juvenile offenders.

12.—(1) 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—

- (a) by dismissing the charge ;
- (b) by discharging the offender on his entering into a recognizance with or without making a probation order, as in section 14 of this Law provided ;
- (c) by committing the offender to the care of a relative or other fit person ;
- (d) by sending the offender to a reform school ;
- (e) where the offender is a child, by ordering him to be whipped ;
- (f) by ordering the offender to pay a fine, damages or costs to which he is liable ; or
- (g) where the offender is a young person, sentence him to imprisonment for the term for which he is liable.

(2) No child shall in any case be sentenced to imprisonment and no young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way as set out in paragraph (b), (c), (d) or (f) of sub-section (1) of this section.

(3) No appeal as to sentence shall lie where a child or young person is sentenced to a whipping only.

(4) Where an order under this section is made by a court, the order shall, for the purpose of revesting or restoring stolen property and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon, or in connection with, such restitution or delivery, have the like effect as a conviction.

Duration of reformatory orders.

13.—(1) Where a court orders a child to be sent to a reform school, the order shall be an authority for his detention in a reform school for a period not exceeding four years from the date of the order and, if at the expiration of that period he is under the age of fifteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to a reform school, the order shall be an authority for his detention in a reform school—

- (a) if at the date of the order he has not attained the age of fifteen years, for a period not exceeding four years from the date of the order ; and
- (b) if at the date of the order he has attained the age of fifteen years, until he attains the age of nineteen years.

14.—(1) Where a child or young person is charged with any offence other than homicide and the court is satisfied that the charge is proved the court may make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding four years, as may be specified in the order. A recognizance entered into under this section shall, if the court so order, contain a condition that the offender shall, during the period specified in the order, be under the supervision of a probation officer and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of any such condition as aforesaid in the recognizance is in this Law referred to as “a probation order”.

Recogni-
zance and
probation
order.

(2) In relation to any person mentioned in a probation order it shall be the duty of a probation officer, subject to the discretion of the court—

- (a) to visit or receive reports from him at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit;
- (b) to see that he observes the conditions of his recognizance;
- (c) to report to the court as to his behaviour;
- (d) to advise, assist, and befriend him, and when necessary, to endeavour to find him suitable employment.

(3) The court before which any person is bound by his recognizance under this Law to appear to be dealt with may, upon the application of the probation officer, and after notice to the offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance.

(4)—(a) If the court before which an offender is bound by his recognizance to appear to be further dealt with, or any court, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties, if any, requiring him or them or both to attend at such court and at such time as may be specified in the summons.

(b) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear to be further dealt with, be brought before any other court.

(c) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear to be further dealt with, remand him in custody or on bail until he can be brought before the last mentioned court.

(d) A court before which a person is bound by his recognizance to appear to be further dealt with on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without any further proof of his guilt, deal with him as for the original offence.

Children
liable to be
committed
to care of
relative, etc.

15.—(1) Any police officer or person authorised by the Governor in that behalf may bring before a court any person apparently under the age of fourteen years who—

(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 having no home or settled place of abode, or visible means of subsistence, or is found wandering 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 is not exercising proper care and guardianship whereby the child is either falling into bad associations or is exposed to moral danger ; or

(e) 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 com-

mitted 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 or without making any other order, make an order that the child be placed under the supervision of a probation officer or some other person appointed for the purpose, for a specified period until the child attains the age of sixteen years, or for any shorter period, 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.

(2) Every order made under this section 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 institution.

(3) Any person or institution to whose care a child is committed under this section shall, whilst the order is in force, have the same right of control over the child as a parent 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 or to both.

(4) 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.

16.—(1) Any court having power to make an order committing a child or young person to a reform school or to an institution or to the care of a fit person may, if it appears to the court that the parent or other person liable to maintain the child or young person possesses the means

Power of court to order maintenance of children or young persons.

to contribute in whole or in part to his maintenance, make an order on such parent or other person to contribute to the maintenance of such child or young person during the period of detention such sum as may appear to the court that such parent or other person is reasonably able to contribute and the court may from time to time vary such order.

(2) Any such order may be made on the complaint or application of the authority in charge of the reform school or of the institution or of the person to whose care the child or young person is for the time being committed, and either at the time when the order for the committal of the child is made or subsequently and the sum contributed by the parent or such other person shall be paid to such authority, institution or person making the complaint or application and shall be applied for the maintenance of the child or young person.

(3) Any sum payable under such order shall be deemed to be a sum due by the parent or other person named in the order to the authority in charge of the reform school or of the institution or to the person named in the order and shall be recovered in all respects in accordance with, and subject to, the provisions of any law in force regarding execution of judgments as though the amount thereof had been recovered in a civil action in the court in which the order was made.

(4) When any parent or other person has, under this section, been ordered to contribute to the maintenance of a child or young person, 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.

Power to order parent, etc., to pay fine, etc., instead of juvenile offender.

17.—(1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other punishment, 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 conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for the good behaviour of such child or young person.

(3) Any order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sum ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(5) A parent or guardian may appeal against an order under this section to the Supreme Court in accordance with the provisions of any Law in force for the time being regulating appeals to such Court from a District Court, as if the parent or guardian against whom the order was made had been convicted by a court and the order had been a sentence passed on his conviction.

18. 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.

Presumption
and determi-
nation of age

19. Where it is made to appear to the Governor by the person in charge of a reform school, that, with regard to any person therein who has attained the age of sixteen—

- (a) it is undesirable that he should continue associating with persons of a younger age; or
- (b) on account of lack of accommodation in the reform school, it is desirable that he should not remain in the reform school,

Power to
Governor
to order
removal
of persons
attaining the
age of 16
to a place of
detention.

the Governor may order that such person shall be removed to any place of detention approved by him for a period which, together with the period during which he has already been detained in the reform school, shall not exceed the period for which he was liable to be detained in a reform school under the provisions of section 13 of this Law.

Power to Juvenile Court to commit inmate of reform school to prison.

20. Where it is made to appear to a court by the person in charge of a reform school that an inmate of such school, not being a child, 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 inmate to prison for a period which, together with the period during which he has already been detained in the reform school, shall not exceed the maximum period for which he was liable to be detained in a reform school under the provisions of section 13 of this Law.

Suspension of operation of detention order.

21. The operation of an order for detention in a reform school may be suspended by the court pending completion of arrangements for the reception of the child or young person into a reform school, or for good and sufficient reasons. In such a case the court may remand him in custody as provided for under section 7 of this Law or may order him to be committed to the care of some fit and proper person willing to undertake such custody, or may release him on bail.

Association with adult prisoners.

22. A young person sentenced to imprisonment or committed to prison shall not, so far as is practicable, be allowed to associate with adult prisoners.

Regulations.

23. The Governor in Council may make regulations with respect to any of the following purposes—

- (a) for the management and maintenance of good order and discipline in reform schools and approved residences and for enabling any person or authority in charge of a reform school or approved residence to issue such orders and directions as to such person or authority may seem fit for the maintenance of good order and discipline in such school or residence;
- (b) for enabling such authority as may be specified, at any time during the period of detention of a child or young person in a reform school, to permit such child or person by licence in writing to live in an approved residence or with his parents or with such other person who is willing to receive and take charge of him, subject to such conditions, to be specified in the licence (including in particular a

condition that the child or young person affected shall be under the supervision of a probation officer) as such authority may think fit and to revoke any such licence at any time :

Provided always that, without the consent of the Governor, a licence shall not be granted during the first twelve months of the period of detention ;

(c) for the investigation, including the taking of evidence on oath if necessary, by such authority as may be specified, of any breach or contravention of the regulations or of any order or direction issued by the appropriate authority for the maintenance of good order and discipline in reform schools and approved residences, and for the punishment which may be imposed for any such breach or contravention.

(d) generally for the better carrying out of the purposes of this Law.

24. The Governor may, with the advice and assistance of the Chief Justice, prescribe forms to be used in any matter or proceeding had or taken before any court in relation to any child or young person. Forms.

25. 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. Right of parent, etc., to administer punishment.

26. This Law shall come into operation on the 20th day of December, 1946, and thereupon the Juvenile Offenders Laws, 1935 and 1945, shall be repealed : Date of coming into operation, repeal and saving.

Provided that—

(a) any place declared to be a reformatory under the Laws hereby repealed shall be deemed to be a reform school declared as such under the provisions of this Law ; 39 of 1935
7 of 1945.

(b) any order made by any court under the Laws hereby repealed in relation to any child or young person, which is in force when this Law comes into operation, shall be deemed to have been made under the provisions of this Law.

R. E. TURNBULL,

2nd December, 1946.

Colonial Secretary.