



ST. CHRISTOPHER AND NEVIS

CHAPTER 3.16

JUVENILE COURTS ACT
and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

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CHAPTER 3.16
JUVENILE COURTS ACT

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CHAPTER 3.16
JUVENILE COURTS ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF JUVENILE COURTS; AND TO PROVIDE FOR RELATED AND INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Juvenile Courts Act.

Establishment of Juvenile courts.

2. Notwithstanding the provisions of the Magistrate's Code of Procedure Act, Cap. 3.17, the Attorney-General may, by Order, provide for—

- (a) the establishment of one or more separate juvenile courts in the several magisterial districts of the State;
- (b) juvenile courts to be held elsewhere than in the buildings used as Magistrate's Courts;
- (c) fixing the time when juvenile courts shall be held; and
- (d) every juvenile court to be constituted of a Magistrate and such other persons to be called assessors as may be nominated by the Probation and Child Welfare Board:

Provided that nothing in the order shall prevent a Magistrate sitting alone in any case where he or she considers that it would be impracticable for the court to be constituted in the manner aforesaid, or that it would be inexpedient in the interests of justice to adjourn the business of the court.

(Amended by Act 8 of 1994)

Trial by Juvenile Courts.

3. When a young person or child within the meaning of the Magistrate's Code of Procedure Act, Cap. 3.17 is charged with any offence punishable on summary conviction, the Magistrate shall, unless the child or young person is charged jointly with any other person not being a child or young person, for the purpose of hearing the charge, sit in the juvenile court established in his or her district under the provisions of this Act and, notwithstanding the provisions of any law to the contrary, the procedure to be followed on the hearing of such charge shall be in accordance with rules to be made under section 5.

Exclusion of the public from Juvenile courts.

4. (1) In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend.

(2) For the purposes of this section any person appointed as a Probation Officer shall be deemed an officer of the court.

(Amended by Act 6 of 1992)

Rules of procedure.

5. The Attorney-General may make rules regulating the procedure to be followed in juvenile courts.

(Amended by Act 8 of 1994)

SCHEDULE 1*(Section 2)***JUVENILE COURTS (DISTRICTS “A”, “B” AND “C”) ORDER****Short title.**

1. This Order may be cited as the Juvenile Courts (Districts “A”, “B” and “C”) Order.

Establishment and Constitution.

2. There shall be established in each of the Magisterial Districts “A”, “B” and “C” in the State a Juvenile Court within the meaning of the Juvenile Courts Act, and each such Court shall be constituted as follows, that is to say—

- (a) the Juvenile Court for Magisterial District “A” of the person for the time being performing the duties of Magistrate or Additional Magistrate of the said District and of assessors not exceeding two to be nominated by the Minister;
- (b) the Juvenile Court for Magisterial District “B” of the person for the time being performing the duties of Magistrate or Additional Magistrate of the said District and of assessors not exceeding two to be nominated by the Minister;
- (c) the Juvenile Court for Magisterial District “C” of the person for the time being performing the duties of Magistrate of the said District and of assessors not exceeding two to be nominated by the Minister.

Place and Time of Sitting.

3. Such Courts shall be held in the Magistrate’s Court of the said Districts on the days and at the times following, that is to say—

- (a) in District “A” at Basseterre on the first Monday in every month at the hour of 9 o’clock in the forenoon;
- (b) in District “B” at Sandy Point on the first Friday in every alternate month at the hour of 9 o’clock in the forenoon;
- (c) in District “C” at Charlestown, Nevis on the third Monday of every month at the hour of 9 o’clock in the forenoon,

and on such other days and at such time as may be appointed by the Magistrate.

(Substituted by S.R.O. 30/1992)

SCHEDULE 2

(Section 5)

JUVENILE COURTS PROCEDURE RULES

Short title.

1. These Rules may be cited as the Juvenile Courts Procedure Rules.

Procedure in Juvenile Courts.

2. (1) Where a child or young person is brought before a juvenile court it shall be the duty of the court to explain to him or her in simple language the substance of the alleged offence.

- (2) After explaining the substance of the alleged offence the courts shall ask the child or young person whether he or she admits the offence.

- (3) If the child or young person does not admit the offence the court shall then hear the evidence of the witnesses in support thereof.

- (4) At the close of the evidence in chief of each such witness the court shall ask the child or young person, or if it sees fit the child's parent or guardian, whether he or she wishes to put any questions to the witness.

- (5) If the child or young person instead of asking questions wishes to make a statement he or she shall be allowed to do so.

- (6) It shall be the duty of the court to put to the witnesses such questions as appear to be necessary, and 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.

- (7) 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.

- (8) If the child or young person admits the offence or the court is satisfied that it is proved, he or she shall then be asked if he or she desires to say anything in extenuation or mitigation of the penalty or otherwise, before deciding how to deal with him or her, the court shall obtain such information as to his or her 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 or her any question arising out of such information, and 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.

- (9) 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 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.

- (10) 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.