

**JUVENILE OFFENDERS ACT**

Cap 186 – 6 April 1935

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**JUVENILE OFFENDERS ACT**

**1. Short title**

This Act may be cited as the Juvenile Offenders Act.

**2. Interpretation**

In this Act—

“guardian”, in relation to a juvenile or young person, includes any person who has for the time being the charge of or control over the child or young person;

“juvenile” means a person under the age of 18;

“young person” means a person who has attained the age of 14 and is under the age of 18.

[S. 2 amended by Act 15 of 1998.]

### **3. Constitution of Juvenile Court**

(1) District Courts sitting for the purpose of hearing any charge against a juvenile or of exercising any other jurisdiction conferred on Juvenile Courts by or under this Act or any other enactment shall be known as Juvenile Courts.

(2) (a) The President may, by Proclamation, specify the places in which Juvenile Courts are to sit.

(b) Notwithstanding the Courts Act, the President may, specify places other than District Courts.

(3) Every Juvenile Court shall be held by and before a Magistrate exercising jurisdiction as such in the district where the Juvenile Court is required by Proclamation of the President to sit.

(4) (a) Notwithstanding any other enactment but subject to paragraph (b), every Magistrate sitting in the Juvenile Court and before whom any juvenile is charged with having committed an offence, other than an offence under sections 50 to 76, 216 to 223, 228 (3) and 229 of the Criminal Code shall have power and jurisdiction, in whatever district the offence has been committed, and whatever may be the minimum punishment imposed by law with respect to the offence so charged, to hear, try and determine the charge and all questions of fact and law arising in the case and to convict the juvenile and, on conviction, to impose on him any penalties not exceeding the maximum penalties applicable to the offence of which the juvenile is convicted.

(b) No Magistrate shall inflict on any young person imprisonment with or without hard labour for more than one year or any fine exceeding 1,000 rupees.

(5) Subject to this Act, the Courts Act and the District and Intermediate Courts (Criminal Jurisdiction) Act shall apply to Juvenile Courts and all the powers given to or duties imposed upon a Magistrate exercising criminal jurisdiction in a District Court are hereby given to and imposed upon a Magistrate sitting in a Juvenile Court.

[S. 3 amended by Act 48 of 1991.]

### **4. Assignment of matters to Juvenile Court**

(1) Subject to subsection (2), no charge against a juvenile and no application the hearing of which is under this Act assigned to Juvenile Courts shall be heard by a Court which is not a Juvenile Court.

(2) Notwithstanding subsection (1) —

- (a) the offences listed in section 3 (4) shall not be tried before a Juvenile Court;
- (b) a charge made jointly against a juvenile and a person who has attained the age of 18 shall be heard by a Court other than a Juvenile Court;

- (c) where a juvenile is charged with an offence, the charge may be heard by a Court which is not a Juvenile Court if a person who has attained the age of 18 is charged at the same time with aiding, abetting, causing, procuring or permitting that offence;
- (d) where, in the course of any proceedings before a Court of summary jurisdiction, other than a Juvenile Court, it appears that the person to whom the proceedings relate is a juvenile, the Court may, if it thinks fit, proceed with the hearing and determination of those proceedings.

(3) No direction, whether in this Act or any other enactment, that a charge shall be brought before a Juvenile Court shall be construed as restricting the powers of any Magistrate to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

[S. 4 amended by Act 48 of 1991; Act 15 of 1998.]

## 5. Powers of Juvenile Court

A Juvenile Court sitting for the purposes of hearing a charge against, or an application relating to, a person who is believed to be a juvenile may, if it thinks fit, proceed with the hearing and determination of the charge or application, even if it is discovered that the person in question is not a juvenile.

## 6. Procedure in Juvenile Court

(1) Juvenile Courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this Act or any other enactment.

(2) A Juvenile Court shall, subject to subsection (3), sit either in a different building or room from that in which sittings of Courts, other than Juvenile Courts, are held, or on different days from those on which sittings of such other Courts are held.

(3) No person shall be present at any sitting of a Juvenile Court except—

- (a) members and officers of the Court;
- (b) parties to the case before Court, their attorneys, barristers, witnesses and other persons directly concerned in that case;
- (c) *bona fide* representatives of the newspapers or news agencies;
- (d) such other persons as the Court may specially authorise to be present.

## 7. Restrictions on reports

(1) (a) Subject to paragraph (b), no report of any proceedings in a Juvenile Court shall reveal the name, address or school, or include any particulars calculated to lead to the identification of any juvenile concerned in those proceedings either as being the person against or in respect of whom the proceedings are taken or as being a witness nor shall any photograph or picture be published as being or including a photograph or picture of that juvenile.

(b) The Court or the President may, if satisfied that it is in the interests of justice to do so, by order, dispense with the requirements of this section to such extent as may be specified in the order.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable in respect of each offence to a fine not exceeding 10,000 rupees.

[S. 7 amended by Act 48 of 1991; Act 15 of 1998.]

## **8. Separation of juveniles from adults**

The Commissioner of Police shall make arrangements for preventing a juvenile while detained in a police station, or while being conveyed to and from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (other than a relative), who is charged with any offence other than an offence with which the juvenile is jointly charged, or of which he has been jointly convicted, and for ensuring that a girl, being a juvenile, while so detained, being conveyed or waiting, is under the care of a woman.

## **9. Bail or detention**

(1) Where a person apparently under the age of 18 is apprehended with or without warrant and cannot be brought forthwith before a Court, the police officer in charge of the station to which that person is brought shall inquire into the case, and may release him on a recognisance being entered into by him, or his parent or guardian, (with or without sureties), for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge, and shall release him, unless—

- (a) the offence charged is one of those listed in section 3 (4);
- (b) it is necessary in the interest of such person to remove him from association with any undesirable person; or
- (c) the officer has reason to believe that the release of such person would defeat the ends of justice.

(2) Where a person apparently under the age of 18 has been apprehended and is not released, the police officer shall cause him to be detained in a place of remand provided under this Act until he can be brought before a Court unless the officer certifies—

- (a) that it is impracticable to do so;
- (b) that he is of so unruly a character that he cannot safely be so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the Court before which he is brought.

(3) Where any person apparently below the age of 18 is apprehended, the police officer in charge of the station to which that person is brought

shall, immediately, take all reasonable steps to inform his parent or guardian of his apprehension and the place where he may be seen by the parent or guardian.

(4) No statement shall be recorded from an apprehended person below the age of 18 outside the presence of his parent or guardian unless the parent or guardian cannot be contacted within a reasonable time or the parent or guardian, after being contacted, fails to call at the police station where the statement is to be recorded within a reasonable time fixed by the police officer in charge of the station.

[S. 9 amended by Act 15 of 1998.]

#### **10. Remand or committal to custody**

(1) (a) Subject to paragraphs (b) and (c), any Court on remanding or committing for trial a juvenile who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of remand provided under this Act and named in the commitment, to be there detained for the period for which he is remanded or until he is released in due course of law.

(b) Where the Court certifies that a young person is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained, the Court need not commit him to a place of remand.

(c) This section shall not affect any power of a District Court under section 57 of the District and Intermediate Courts (Criminal Jurisdiction) Act, to commit a person who has attained the age of 16 to prison until the next Assizes.

(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 safely detained in a place of remand, or to be of so depraved a character that he is not a fit person to be so detained, revoked by the Court which made the order, or where application cannot conveniently be made to that Court, by a Court having jurisdiction in the place where the Court which made the order sat, and where it is revoked the young person may be committed to prison.

#### **11. Proceedings**

(1) Where a juvenile is brought before a Juvenile Court for an offence, the Court shall as soon as possible explain to him in simple language the substance of the alleged offence.

(2) Where a juvenile under the age of 14 is brought before a Juvenile Court for an offence, other than an offence specified in section 3 (4), the case shall finally be disposed of in such Court, and it shall not be necessary to ask the parent or guardian whether he consents to the juvenile under the age of 14 being dealt with in the Juvenile Court.

(3) Where a young person is brought before a Juvenile Court for an offence, other than an offence specified in section 3 (4), but which is not

within the summary jurisdiction of a District Court, and the Court becomes satisfied during the hearing of the case that it is expedient to deal with it summarily, the Court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying—

“Do you wish to be tried by this Court or by a jury or the Intermediate Court (as the case may be)?”

and the Court shall explain to the young person and to his parent or guardian the meaning of being so tried and the place where the trial would be held.

(4) (a) After explaining the substance of the alleged offence, the Court shall ask the juvenile, except in cases where the young person does not wish to be tried in the Juvenile Court, whether he admits the offence.

(b) Where the young person elects to be tried by a Court, other than a Juvenile Court, the case shall be remitted by the Juvenile Court to the competent Court, and where any case is so remitted, that Court shall deal with the young person in any way in which it might have dealt with him if he had originally been brought for trial before that Court.

(5) (a) Where the juvenile does not admit the offence, the Juvenile Court shall then hear the evidence of the witnesses in support.

(b) At the close of the evidence in chief of each witness, the Court shall ask the juvenile and the parent or guardian if present, whether he wishes to put any questions to the witness.

(c) Where the juvenile, instead of asking questions, wishes to make a statement, he shall be allowed to do so.

(d) The Court shall put to the witnesses such questions as appear to be necessary.

(e) The Court may put to the juvenile such questions as may be necessary to explain anything in the statement of the juvenile.

(6) Where 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 juvenile shall be allowed to give evidence or to make a statement.

(7) (a) Where the juvenile admits the offence or the Court is satisfied that it is proved, the Court shall convict him of the offence and ask him if he desires to say anything in mitigation of the penalty or otherwise.

(b) Before deciding how to deal with him the Court shall obtain such information as to his general conduct, home surroundings, school record and medical history, as may enable the Court to deal with the case in his best interests and may put to him any question arising out of that information.

(c) For the purpose of obtaining such information or for special medical examination or observation, the Court may remand the juvenile on bail or to a place of detention.

(8) (a) Where the Court convicts the juvenile of the offence, and the Court decides that a remand is necessary for purposes of inquiry or observation, the

Court may make an entry in the record of the case that the juvenile has been convicted and remanded.

(b) The Court before which a juvenile so remanded is subsequently brought may make any order in respect of the juvenile which could have been made by the Court which remanded the juvenile.

(9) No prosecution shall be instituted against a minor except on an information filed with the consent of the Director of Public Prosecutions.

[S. 11 amended by Act 15 of 1998.]

## **12. Probation orders**

(1) (a) Where a juvenile is convicted of an offence, other than an offence specified in section 3 (4), the Court may make an order discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear for sentence when called upon during such period, not exceeding 3 years, as may be specified in the order.

(b) A recognisance entered into under this section shall, where the Court so orders, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order, and such other conditions for securing such supervision as may be specified in the order.

(c) Nothing in this section shall affect the Criminal Procedure Act.

(2) The Court before which any person is bound by his recognisance under this Act to appear for sentence may, after notice to the offender, vary the conditions of the recognisance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that the recognisance remain in force, discharge the recognisance.

(3) (a) Where the Juvenile Court before which an offender is bound by his recognisance to appear for sentence, or any Court, is satisfied by information on oath that the offender has failed to observe any condition of his recognisance, 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, to any of his sureties, and to any person appointed to supervise the offender, requiring him or them 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 recognisance to appear for sentence, be brought before a Court.

(c) The Court before which an offender on apprehension is brought, or before which he appears in pursuance of a summons issued under this section may, if it is not the Court before which he is bound by his recognisance to appear for sentence, remand him to custody or on bail until he can be brought before the Court before which he is bound by his recognisance to appear.

(d) A Juvenile Court before which a person is bound by his recognisance to appear for sentence on being satisfied that he has failed to observe

any condition of his recognisance, may forthwith, without any further proof of his guilt, deal with him as for the original offence.

### **13. Attendance of parent**

(1) Where a juvenile is charged with an offence or is for any other reason brought before a Court, his parent or guardian may in any case and shall, where he can be found and where he resides within a reasonable distance, be required to attend at the Court before which the case is heard or determined during all stages of the proceedings unless the Court is satisfied that it would be unreasonable to require his attendance.

(2) Where a juvenile is arrested, the police officer by whom he is arrested, or the officer in charge of the police station to which he is brought, as the case may be, shall cause the parent or guardian of the juvenile where he can be found, to be warned to attend at the Court before which the juvenile will appear.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, the Court before which the juvenile is brought may issue a summons to his parent or guardian directing him to appear before it at a time and place specified, and, where the parent or guardian fails to appear in obedience to the summons, the Court may issue a warrant for his arrest.

(4) (a) The parent or guardian whose attendance is required under this section shall be the parent or guardian having the actual possession and control of the juvenile.

(b) Where the person having the actual possession and control of the juvenile is not one of the parents, the attendance of one or both parents may also be required.

(5) The attendance of the parent of a juvenile shall not be required under this section where the juvenile was, before the institution of the proceedings, removed from the custody or charge of his parent by an order of a Court.

### **14. Power to order parent to pay fine**

(1) Where a juvenile is convicted of an 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, where the offender is a juvenile, order that the fine, damages or costs awarded be paid by the parent or guardian of the juvenile instead of by the juvenile, 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 juvenile.

(2) Where a juvenile is convicted of an offence, the Court may order his parent or guardian to give security for his good behaviour.



(3) (a) Subject to paragraph (b), no order under this section shall be made without giving the parent or guardian an opportunity of being heard.

(b) An order under this section may be made against a parent or guardian who, having been required to attend, fails to do so.

(4) Any sums ordered to be paid by a parent or guardian under this section, or on forfeiture of any security provided under subsection (2), may be recovered from him by distress or imprisonment in the same manner as if the order has been made on the conviction of the parent or guardian of the offence with which the juvenile 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 District and Intermediate Courts (Criminal Jurisdiction) Act, as if the parent or guardian against whom the order was made had been convicted and the order were a sentence passed on his conviction.

[S. 14 amended by Act 15 of 1998.]

### **15. Restrictions on punishment of juveniles**

(1) A juvenile under the age of 14 shall not be ordered to be imprisoned or sentenced to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages or costs.

(2) A young person shall not be sentenced to penal servitude for any offence.

(3) A young person shall not be ordered to be imprisoned for any offence, or be committed to prison in default of payment of a fine, damages or costs, where he can be suitably dealt with in any other way, whether by recognisance to be of good behaviour and to appear for sentence when called upon, by committal to a place of detention or industrial school, or otherwise.

(4) A young person sentenced to imprisonment or committed to prison in default of payment of a fine, damages or costs, shall not, as far as is practicable, be allowed to associate with adult prisoners.

[S. 15 amended by Act 15 of 1998.]

### **16. Punishment of certain grave crimes**

(1) —

(2) (a) Where a juvenile is convicted of—

(i) an attempt at or of complicity in murder;

(ii) manslaughter; or

(iii) wounds and blows causing death under sections 228 (3) and 229 of the Criminal Code,

and the Court is of opinion that none of the other methods in which the case may be legally dealt with is suitable, the Court may sentence the offender to be detained for such period as may be specified in the sentence.

(b) Where a sentence has been passed under paragraph (a), the juvenile shall, during that period, notwithstanding any other provision of this Act, be liable to be detained in such place and on such conditions as the President may direct.

(3) A person detained pursuant to the directions of the President under this section shall, while so detained, be deemed to be in legal custody.

(4) (a) Any person detained under this section may be discharged by the President on licence.

(b) The licence may be in such form and may contain such conditions as the President may direct.

(c) Where a licence is revoked the person to whom the licence relates shall return to such place as the President may direct, and where he fails to do so, may be apprehended without warrant and taken to that place.

[S. 16 amended by Act 48 of 1991.]

#### **17. Substitution of custody for imprisonment**

Where a juvenile—

- (a) is convicted of an offence punishable, in the case of an adult, with penal servitude or imprisonment; or
- (b) would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages or costs,

the Court may, where it considers that none of the other methods in which the case may legally be dealt with is suitable, order that he be committed to custody in a place of detention provided under this Act and named in the order for such time as may be specified in such order, not exceeding the term for which he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding 6 months.

#### **18. Uncontrollable juveniles**

(1) Where the parent or guardian of a juvenile represents on oath before a Juvenile Court that he is unable to control the juvenile and desires him to be sent to a Rehabilitation Youth Centre, and gives an undertaking or security to the satisfaction of the Court to pay the expenses of the maintenance of the juvenile at that Centre, the Court may, after hearing the juvenile, order the juvenile to be removed to and detained in a Rehabilitation Youth Centre until he attains the age of 18 or for a shorter period.

(2) This section is in addition to and not in derogation from the Code Civil Mauricien.

[S. 18 amended by Act 15 of 1998.]

#### **19. Children liable to be committed**

(1) Any police officer may bring before a Juvenile Court any person apparently under the age of 18 who is—

- (a) 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;

- (b) found wandering without any 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 unfit to exercise care and guardianship, or not exercising proper care and guardianship;
- (c) found destitute, not being an orphan, and having both parents or his surviving parent undergoing imprisonment;
- (d) under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care or guardianship of the child;
- (e) the daughter of a father who has been convicted of an offence under section 251 of the Criminal Code in respect of any of his daughters;
- (f) frequenting the company of any reputed thief, or common or reputed prostitute;
- (g) lodging or residing in a house or part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the juvenile; or
- (h) being persistently ill-treated or neglected by the parent or guardian under whose care he is.

(2) (a) The Court before which a person is brought under subsection (1) may—

- (i) where it is satisfied, order the juvenile to be taken out of the custody, charge or care of any person, and to be committed to the care of an institution named by the Court which is willing to undertake such care, until the juvenile attains the age of 18 or for any shorter period;
- (ii) of its own motion, or on the application of any police officer, by order, renew, vary, or revoke any order made under subparagraph (i); and
- (iii) on complaint by the manager of the institution to whose care the juvenile has been committed that he is unable to control him, order the removal of the juvenile from that institution to an industrial school and his detention there until he attains the age of 18 or for any shorter period.

(b) The Court may, where it considers that committal to an institution as provided in this section is not practicable, send the juvenile to a Rehabilitation Youth Centre to be detained there until he attains the age of 18 or for any shorter period.

(3) Every order made under this section shall be in writing and may be made by the Court in the absence of the juvenile, and the consent of any institution to undertake the care of the juvenile in pursuance of the order shall be proved in such manner as the Court thinks sufficient to bind that institution.

[S. 19 amended by Act 15 of 1998.]

**20. Effect of order of committal**

(1) An institution to whose care a juvenile is committed under section 19 shall, while the order is in force, have the same control over the juvenile as the parent or the guardian and shall be responsible for his maintenance, and the juvenile shall continue in the care of that institution notwithstanding that he is claimed by his parent or guardian or any other person.

(2) Any person who knowingly—

- (a) assists or induces a juvenile to escape from the institution to whose care he has been committed; or
- (b) harbours or conceals a juvenile who has escaped from the institution under paragraph (a) or prevents him from returning to it,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding 2 months.

[S. 20 amended by Act 15 of 1998.]

**21. Contributions to be made by parents**

(1) Any Court having power to commit a juvenile under section 19 may order the parent or other person liable by law to maintain the juvenile to contribute to his maintenance during the period mentioned in that section such sums as the Court thinks fit.

(2) An order under subsection (1) may be made on the complaint or application of the institution to whose care the juvenile is committed, and either at the time when the order for the committal of the juvenile to its care is made, or subsequently, and the sums contributed by the parents or such other person shall be paid to such institution as the Court may name in the order to be applied in or towards the maintenance, or otherwise for the benefit of the juvenile.

(3) Any parent or other person who has been ordered under this section to contribute to the maintenance of a juvenile, shall, where he changes his address, forthwith give notice of it to the institution which was, immediately before the change, entitled to receive the contributions, and, where he fails so to do without reasonable excuse, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 3,000 rupees.

(4) The President may discharge a juvenile from the care of any institution to whose care he has been committed under section 19 and the discharge may be granted either absolutely or subject to such conditions as the President may approve.

(5) The Minister may, if he thinks fit, make regulations as to the manner in which juveniles committed to the care of any institution are to be dealt with, and as to the duties and remuneration of such institutions to whose care they are committed, and may cause any juveniles so committed to be visited.

[S. 21 amended by Act 48 of 1991; Act 15 of 1998.]

## 22. Methods of dealing with juveniles

(1) Where a juvenile charged with an offence is tried and convicted by any Court, the Court shall take into consideration the manner in which, under this Act or any other enactment enabling the Court to deal with the case, the case should be dealt with, and may—

- (a) discharge the offender on his entering into a recognisance;
- (b) send the offender to a Rehabilitation Youth Centre;
- (c) order the offender to pay a fine, damages or costs;
- (d) order the parent or guardian of the offender to pay a fine, damages or costs;
- (e) order the parent or guardian of the offender to give security for his good behaviour;
- (f) commit the offender to custody in a place of detention provided under this Act;
- (g) where the offender is a young person, sentence him to imprisonment; or
- (h) deal with the case in any other manner in which it may be legally dealt with.

(2) (a) Where the Court decides to send the offender to a Rehabilitation Youth Centre, the period of detention to which the offender shall be sentenced shall be not less than 3 years nor more than 5 years.

(b) Where the offender is over the age of 13, the maximum period of detention in a Rehabilitation Youth Centre to which he may be sentenced shall not exceed that which might elapse between the date of his conviction and that on which he shall attain the age of 18.

## 23. Appeals

(1) Appeals to the Supreme Court from orders or judgments of a Juvenile Court or of an Intermediate Court under this Act may be brought—

- (a) in the case of an order or judgment committing a juvenile to custody in a Rehabilitation Youth Centre or in a place of detention provided under this Act, or to the care of an institution, or sentencing such juvenile to be whipped, by the juvenile or his parent or guardian on his behalf;
- (b) in the case of an order requiring the parent or guardian of a juvenile to give security for his good behaviour, by the person required to enter into the recognisance;
- (c) in the case of an order requiring a person to contribute in respect of a juvenile committed to the care of an institution, by the person required to contribute.

(2) Nothing in this section shall be construed as affecting the rights of appeal to the Supreme Court conferred by section 92 of the District and Intermediate Courts (Criminal Jurisdiction) Act.

(3) Part III of the District and Intermediate Courts (Criminal Jurisdiction) Act relating to appeals from convictions of District Courts and Intermediate Courts shall apply with such modifications and adaptations as the context may require to appeals brought under this section before the Supreme Court.

[S. 23 reprinted by Reprint 1 of 1983.]

#### **24. Powers of President**

The President may—

- (a) order that any juvenile found undergoing imprisonment shall be transferred to a Rehabilitation Youth Centre to be detained there for a period equal to that of the unexpired period of his sentence or until he has attained the age of 18, whichever is the shorter, or for any shorter period;
- (b) relieve any juvenile from the whole or any part of the period of detention in a Rehabilitation Youth Centre to which the juvenile has been adjudged.

[S. 24 amended by Act 48 of 1991.]

#### **25. Places of remand and of detention**

(1) The Commissioner of Police shall, subject to the approval of the President notified in the *Gazette*, provide such places of remand and such places of detention as may be required for the purposes of this Act.

(2) The authority or persons responsible for the management of any institution other than a prison or industrial school may, whether the institution is supported out of public funds or by voluntary contributions, but subject in the case of an institution supported out of public funds to the consent of the President, agree with the Commissioner of Police for the use of the institution or any part of it as a place of detention on such terms as may be agreed.

(3) In selecting the place of remand or the place of detention to which a juvenile is to be sent, the Court or police officer shall have regard, where practicable, to the religious belief of the juvenile.

(4) The President shall cause places of detention provided under this Act to be inspected and may make regulations as to—

- (a) the inspection of those places of detention;
- (b) the classification, treatment, employment and control of juveniles detained in custody in those places of detention;
- (c) the visit of juveniles in detention.

[S. 25 amended by Act 48 of 1991.]

#### **26. Custody of juveniles**

(1) The order or judgment in pursuance of which a juvenile is committed to custody in a place of detention provided under this Act shall be delivered with the juvenile to the person in charge of the place of detention and shall be sufficient authority for his detention in that place in accordance with its tenor.

(2) A juvenile who is detained in a place of remand or in a place of detention and whilst being conveyed to and from any such place shall be deemed to be in legal custody.

(3) A juvenile who escapes from legal custody may be apprehended without warrant and any person who knowingly assists or induces a juvenile to escape or knowingly harbours or conceals a juvenile who has so escaped, or prevents him from returning, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and imprisonment for a term not exceeding 2 months.

[S. 26 amended by Act 15 of 1998.]

#### **27. Expenses of maintenance of juveniles**

The expenses incurred by the Commissioner of Police in respect of any place of remand or any place of detention provided under this Act, including the expenses of the maintenance of any juvenile detained in that place, whether detained on apprehension or committed to custody on remand or committed for trial or in lieu of imprisonment or in default of payment of a fine, damages or costs, shall be paid out of the Consolidated Fund.

#### **28. Presumption and determination of age**

(1) 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 juvenile, the Court shall make due inquiry as to his age, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case.

(2) 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 brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and, where it appears to the Court that the person so brought before it has attained the age of 18, that person shall for the purposes of this Act be deemed not to be a juvenile.

[S. 28 amended by Act 15 of 1998.]

#### **29. Regulations**

The Minister may make regulations in respect of all matters connected with the establishing and working of Juvenile Courts and generally for the purposes of this Act.

#### **30. Saving**

Except as expressly provided in this Act, nothing in this Act shall affect any other enactment relating to juveniles.

