

Children Act (Juvenile Court) Rules

SECTION 108

CHILDREN ACT (JUVENILE COURT) RULES

SI. 52 of 1982

SI. 60 of 1984

Citation 1. These Rules of Court may be cited as the Children Act (Juvenile Court) Rules.

Attendance 2. In a Juvenile Court no person other than -

- (a) the members and officers of the court;
- (b) the parties to the case and their legal practitioners;
- (c) a parent or guardian of the child; and
- (d) other persons directly concerned in this case,

shall, except by leave of the Court, be allowed to attend.

Restriction 3.(1) No person shall publish the name, address, school, photographs

on report of or any particulars likely to lead to the identification of a child

proceedings concerned in the proceedings before the Juvenile Court whether -

- (a) as a person against or in respect of whom the proceedings are taken; or
- (b) as a witness,

except with the permission of the Court or in so far as required by the provisions of the Act or these Rules.

(2) In sub-rule (1) "publish" includes publication in a newspaper or sound or television broadcast.

(3) A person who contravenes sub-rule (1) is guilty of an offence and is liable to a fine of R. 5000.

Custody of 4.(1) Where a person apparently under 18 years of age having been

children not apprehended is not released under section 24 of the Criminal

given bail Procedure Code, the police officer to whom that person is brought

Cap. 54 shall cause him to be detained in a Juvenile Centre or removed to a place of safety until he can be brought before a Court, unless the police officer certifies that -

(a) it is impracticable to do so; or

(b) that person is of so unruly or depraved a character that he cannot be safely so detained; or

(c) by reason of that person's state of health or of his mental or bodily condition it is inadvisable to so detain him.

(2) The certificate by the police officer under sub-rule (1) shall be produced to the court before which the person is brought.

Remand or 5.(1) Subject to sub-rule (2), a court on remanding or committing for

committal trial a child who is not released on bail, shall, instead of committing

to Juvenile him to prison commit him to a Juvenile Centre named in the

Centre commitment, to be there detained -

(a) for the period for which he is remanded; or

(b) until he is thence delivered in due course of law.

(2) A court on remanding or committing for trial a young person who is not released on bail may commit him to prison or to a place of safety if -

(a) no place in a Juvenile Centre is available; or

(b) the court certifies that the young person -

(i) is of so unruly a character that he cannot be safely so committed; or

(ii) is of so depraved a character that he is not a fit person to be so detained.

(3) A committal under sub-rule (1) may be varied or revoked, and if it is revoked the child or young person may be committed under sub-rule (2).

Procedure in 6.(1) Where a child is brought before a Juvenile Court for any
Juvenile offence the Court shall as soon as possible explain to him in simple
Court language the substance of the alleged offence.

(2) The Court shall then ask the child whether he admits the offence.

(3) Notwithstanding that the child admits the offence, the Court shall in any case where the child is not legally represented then hear the evidence of the witnesses in support of the case.

(4) At the close of the evidence in chief of each witness, the Court shall, if the child is not legally represented, ask the child, and the child's parent or guardian if present in Court, whether he wishes to put any questions to the witness.

(5) if in any case where the child is not legally represented, the child, instead of asking questions by way of cross-examination, -

(a) wishes to make a statement; or

(b) makes assertion,

he shall be allowed to do so and the Court shall then put to the witness such questions as it thinks necessary on behalf of the child and may for this purpose question the child in order to bring out or clear up any point arising out of those assertions :

Provided that where the Court puts any questions to a witness under this sub-rule, the prosecution shall have the right to re-examine the witness on the answers to those questions.

(6) If it appears to the Court that a sufficient case is made out the evidence of any witness for the defence shall be heard and the child shall be allowed to give evidence or make a statement.

(7) If the Court is satisfied that the offence is proved, the child shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise,

(8) Before deciding how to deal with the child, the Court shall obtain such information as to his-

(a) general conduct;

(b) home surroundings;

(c) school record; and

(d) medical history,

as may enable it to deal with the case in the best interests of the child, and may put to him any question arising out of that information.

(9) For the purpose of obtaining information under or for special medical examination of observation, the Court may-

(a) from time to time remand the child on bail or to a Juvenile Center so, however, that he appears before a court at least once in every 21 days; or

(b) request the Director to submit to it a report on the child and his social background.

Attendance 7.(1) A Juvenile Court may in its discretion require the attendance of parent of the parent or guardian of the child.

(2) The Court may make orders necessary for the purposes of sub-rule(1).

(3) A person who contravenes an order under sub-rule (2) is guilty of an offence and is liable to a fine of R. 1000.

Decisions 8.(1) Subject to sub-rules (2) and (3), the opinion of the majority of the members of the Juvenile Court shall be decisive upon any Juvenile question before the Court.
Court

SI. 60 of 1984 (2) When any charge is to be heard, the Chief Justice shall nominate a Judge or a Magistrate, as the case may be, to be a member of the Juvenile Court and such Judge or Magistrate shall determine questions of law arising before or after the commencement of the hearing.

(3) A Judge or a Magistrate nominated pursuant to sub-rule (2) may exercise any power vested in the Court not involving a decision as to the commission of the offence, the penalty or the method of dealing with the case.

Clerk to the Juvenile Court 9. The Registrar of the Supreme Court shall be the Clerk of the Juvenile Court and he may delegate his powers to any of the staff that he deems fit.

Notices etc. of the Juvenile Court 10. All notices, summonses and orders purporting to be signed by the Clerk or his delegate shall be deemed to be issued by the Juvenile Court.

Appeals Cap. 54 11.(1) Subject to any necessary modifications, the provisions of sections 295 to 312 of the Criminal Procedure Code shall apply with respect to appeals from the Juvenile Court to the Supreme Court as they apply with respect to appeals from the Magistrates' Court to the Supreme Court.

(2) If a Judge sits as a member of a Juvenile Court an appeal to the Supreme Court shall be heard by a Bench of not less than two Judges.