

[Chap2603]CHAPTER 26:03

CHILDREN AND YOUNG PERSONS

ARRANGEMENT OF SECTIONS

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7 of 1969

51 of 1971

24 of 1972

5 of 1976

22 of 1989

6 of 1990

An Act to consolidate the law relating to children and young persons and matters connected therewith and relating thereto

[1ST AUGUST 1969]

PART I

PRELIMINARY

[Ch2603s1]1. Short title

This Act may be cited as the Children and Young Persons Act.

[Ch2603s2]2. Interpretation

In this Act, unless the context otherwise requires—

“approved home” means any home or institution or part thereof, for the reception, education and vocational training of juveniles in relation to which a certificate under section 35 remains in force;

“approved school” means any school or institution, or part thereof, for the reception, education and vocational training of juveniles appointed or established under section 34;

“approved school order” means an order described in section 17;

“Board” means the Board of Visitors established under Part IV;

“Child” means a person who, in the absence of legal proof to the contrary, is, in the opinion of the court having cognizance of the case in relation to such person, under the age of fourteen years;

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

“juvenile” includes a child and a young person;

“juvenile court” means a subordinate court or Traditional Court designated under section 63 sitting for the hearing and determination of cases relating to juveniles;

“Traditional Court” means a court established under the Traditional Courts Act; Cap. 3:03

“place of detention” means a place of detention as that term is defined in section 33;

“probation officer” means a person appointed as such under section 15 of the Probation of Offenders Act; Cap. 9:01

“vocational training” means actual employment in agriculture or training in some branch of useful industry;

“young person” means a person who, in the absence of legal proof to the contrary, is, in the opinion of the court having cognizance of the case in relation to such person, fourteen years of age or upwards and under the age of eighteen years.

[Ch2603s3]3. Use, etc., of words "conviction" and "sentence"

The word "conviction" and "sentence" shall not be used in respect of any juvenile in any proceedings in a juvenile court and any reference in any written law to a person convicted, a conviction or a sentence, shall, in relation to a juvenile, be construed as including a reference to a person found guilty of an offence, a finding of guilty or an order made upon such a finding, as the case may be.

[Ch2603s4]4. General consideration

Every juvenile court in dealing with a juvenile who is brought before it, either as being in need of care or protection, or as an offender or otherwise, shall have regard to the welfare of the juvenile and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

PART II

JUVENILES CHARGED WITH OFFENCES

[Ch2603s5]5. Parent or guardian may be required to attend court

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

[Ch2603s6]6. Jurisdiction of juvenile courts

Subject as hereinafter provided, no charge against a juvenile shall be heard by a court other than a juvenile court:

Provided that—

(i) where a juvenile is charged with an offence or offences triable only by the High Court, he shall be tried by the High Court;

(ii) a charge made jointly against a juvenile and a person who has attained the age of eighteen years shall be heard by a court of appropriate jurisdiction other than a juvenile court;

(iii) where in the course of any proceedings before any court of appropriate jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a juvenile nothing in this section shall be construed as preventing the court, if it thinks fit to do so, from proceeding with the hearing and determination of such proceedings.

[Ch2603s7]7. Places of sitting of juvenile courts and persons who maybe present

(1) A juvenile court shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on it by or under this Act or under any other written law.

(2) A juvenile court shall, subject as hereinafter provided, 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, and 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 the court, their legal practitioners, and witnesses and other persons directly concerned in that case;
- (c) properly accredited representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorize to be present.

[Ch2603s8]8. Restriction on newspaper reports of proceedings in a juvenile court

(1) Subject as hereinafter provided, no newspaper 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 therein, nor shall any picture be published in any newspaper as being or including a picture of any juvenile so concerned in any such proceedings as aforesaid:

Provided that the court or the Minister may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

(2) Any person who publishes any matter in contravention of this section shall be liable to a fine of two hundred Kwacha.

[Ch2603s9]9. Removal of disqualification or disability on conviction

A conviction or finding of guilt of a juvenile shall be disregarded for the purposes of any written law by or under which any disqualification or disability is imposed upon convicted persons.

[Ch2603s10]10. Restrictions on punishment of juveniles

(1) A child shall not be sentenced or ordered to be imprisoned for any offence, or be committed to prison in default of payment of a fine, compensation, damages or costs.

(2) Subject to the provisions of this Act, a young person shall not be ordered to be imprisoned for an offence, or be committed to prison in default of payment of a fine, compensation, damages or

costs, unless the court certifies that he is of so unruly a character that he cannot be detained in an approved school or approved home or that he is of so depraved a character that he is not a fit person to be so detained.

(3) Notwithstanding the provisions of any other written law no juvenile shall be sentenced by any court other than the High Court to corporal punishment.

[Ch2603s11]11. Punishment of certain grave crimes

(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in lieu thereof the court shall sentence him to be detained during the pleasure of the President, and, if so sentenced he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the President may direct.

51 of 1971(2) Where a juvenile is found guilty, or convicted, of murder, or of manslaughter, or of attempted murder, or of an offence under section 235 or 238 of the Penal Code, and the court is of opinion that none of the other methods by which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence and where such a sentence has been passed the juvenile shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the President may direct. Cap. 7:01

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

(4) Any person so detained as aforesaid may, at any time, be discharged by the President on licence. Such licence may be in such form and may contain such conditions as the President may direct, and may at any time be revoked or varied by the President.

(5) Where a licence has been revoked, the person to whom the Licence related shall proceed to such place as the President may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

[Ch2603s12]12. Power to order parent or guardian to pay fine, etc., instead of juvenile

(1) Where a juvenile is charged before any juvenile court with any offence for the commission of which a fine may be imposed and compensation, damages and costs or any or all of them may be awarded, and the juvenile court is of the opinion that the case would be best met by the imposition of all or any of those penalties whether with or without any other punishment, the juvenile court may, in such case, and shall, if the offender is a child, order that the fine imposed and compensation, damages or costs awarded be paid by the parent or guardian of the juvenile, unless the juvenile 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 charged with any offence, a juvenile court may order his parent or guardian to give security for his good behaviour.

(3) Where a juvenile court thinks that a charge against a juvenile is proved, the court may make an order against the parent or guardian under this section for the payment of compensation, damages or costs or requiring him to give security for the good behaviour of the juvenile without proceeding to record a finding of guilt against the juvenile.

(4) An 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 to be heard.

(5) Any sum imposed and ordered to be paid by the 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 juvenile was charged.

[Ch2603s13]13. Power of other courts to remit juvenile offenders to juvenile courts

(1) Any court by or before which a juvenile is found guilty of an offence may, if it thinks fit, remit the case to a juvenile court, and where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under the last foregoing subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal there-from to the High Court as if he had been tried by, and had pleaded guilty before, that juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before a juvenile court, and shall cause to be transmitted to the juvenile court to which the case has been remitted a certificate setting out the nature of the offence and stating that the case has been remitted for the purpose of being dealt with under this section.

[Ch2603s14]14. Procedure in a juvenile court when juvenile brought before it for an offence

(1) Where a juvenile is brought before a juvenile court charged with any offence it shall be the duty of the court as soon as possible to explain to him in simple language suitable to his age and understanding the substance of the alleged offence.

(2) After explaining the substance of the alleged offence the court shall ask the juvenile whether he admits the facts constituting the offence.

(3) If the juvenile does not admit the facts constituting 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 witness, the witness may be cross-examined by or on behalf of the juvenile.

(4) The court shall, except in any case where the juvenile is represented by a legal practitioner, allow his parents or guardian or, in their absence, any relation or other responsible person to assist him in conducting his defence.

(5) If in any case where the juvenile is not so represented or assisted in his defence as provided for in subsection (4), the juvenile, instead of asking questions by way of cross-examination, makes assertions, the court shall then put to the witness such questions as it thinks necessary on behalf of the juvenile and may for this purpose question the juvenile in order to bring out or clear up any point arising out of such questions.

(6) If, when the evidence against the juvenile has been heard, the court is of the opinion that a case is made out against him sufficiently to require him to make a defence in respect of the offence charged or some other offence which the court is competent to try, it shall consider the charge against the juvenile and decide whether it is sufficient and, if necessary, amend the same.

(7) If the charge is amended the substance of the offence alleged in it as amended shall then be explained by the court to the juvenile in simple language suitable to his age and understanding, and he shall be asked whether he admits the truth of the charge or has any defence to make.

(8) If the juvenile does not admit the truth of the charge as amended or if no amendment is made, the court shall explain to the juvenile the substance of the evidence against him and, in particular, any points therein which specifically tell against him or require explanation. The court shall thereupon inform the juvenile that he is required himself to give evidence and he shall be asked whether he has any witness to examine or other evidence to adduce in his defence.

(9) The juvenile shall give his evidence upon oath or affirmation if of an age to understand the nature and consequences of the oath or affirmation, and shall answer any question or produce anything lawfully put to or required of him by the court or in cross-examination.

(10) If the juvenile refuses or neglects to—

- (a) be sworn or affirm, as the case may be;
- (b) give evidence;
- (c) answer any question lawfully put to him by the court or in cross-examination; or
- (d) produce any document or thing which he is required to produce,

such refusal or neglect may be taken into account by the court in reaching its decision.

(11) Where the juvenile elects to call witnesses other than himself, his evidence shall be taken before that of such other witnesses.

(12) After the juvenile, and his witnesses, if any, have given their evidence and after their examination, cross-examination and re-examination, if any, the court shall give its judgment.

(13) If the juvenile admits the offence or the court is satisfied that it is proved that he committed it, he, and his parent or guardian if present, shall then be asked if he, and such parent or guardian, desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the court shall obtain such information as to his general conduct, character, home surroundings, school record and medical history, as may enable it to deal with the case in the best interest of the juvenile, and may put to him any question arising out of such information. Such information may include any written report of a probation officer or registered medical practitioner, and may be received and considered by the court without being read aloud. For the purpose of obtaining such information, or for special medical examination or observation, the court may from time to time remand the juvenile on bail or to a place of detention.

(14) Where the court has received and considered a written report of a probation officer or a registered medical practitioner—

(a) the juvenile shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with;

(b) the parent or guardian, if present, shall be told the substance of any part of the report which the court considers to be material as aforesaid and which has reference to his character or conduct, or the character, conduct, home surroundings, or health of the juvenile; and

(c) if the juvenile or his parent or guardian having been told the substance of any part of any such report, desires to produce evidence with reference thereto, the court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence, and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report.

(15) If in any case the court considers it necessary in the interests of the juvenile, it may require the parent or guardian of the juvenile to withdraw from the court.

[Ch2603s15]15. Presumption as to age

(1) Where, in a charge for an offence triable under this Act or in proceedings under Part III it is alleged that the person by whom the offence was committed or in respect of whom such proceedings are brought was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence or, in the case of proceedings under Part III, at that date, under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at the date in question to have been under or to have attained that age, as the case

may be, and any order made therein shall not be invalidated by any subsequent proof that the age has been incorrectly presumed.

(2) Where the court is in doubt as to the age of a person by whom an offence is alleged to have been committed or to whom the provisions of Part III apply, the certificate of a medical practitioner to the effect that, in his opinion, such person has or has not attained a specified age may be received in evidence.

[Ch2603s16]16. Powers of juvenile court on proof of offence

(1) Where a juvenile court is satisfied that an offence has been proved, or where the juvenile admits the facts constituting the offence, the court shall, in addition to any other powers exercisable by virtue of this Act or any other written law for the time being in force, have power—

(a) to acquit and discharge the offender or to discharge him in circumstances not amounting to an acquittal;

(b) to discharge the offender upon his entering into a bond to be of good behaviour and to comply with such conditions as the court may direct to be inserted in the bond;

(c) to commit the offender to the care of a relative or other fit person willing to undertake the care of him;

(d) to order his parent or guardian to execute a bond to exercise proper care and guardianship;

(e) without making any other order, or in addition to an order under paragraph (b), (c), (d) or (f), to make a probation order placing the offender under the supervision of a probation officer or some person appointed for the purpose by the court, for a period of not less than one year and not more than three years from the date of the order as may be specified therein;

(f) to order the offender to pay a fine, compensation, damages or costs;

(g) where the court is of the opinion that corporal punishment is appropriate, to commit him to the High Court for sentence;

(h) to make an approved school order;

(i) where the offender is a young person and the court is of the opinion that he is of so unruly a character that he cannot be detained in a place of detention, an approved school or an approved home, or that he is of so depraved a character that he is not a fit person to be so detained, the court may order that he be detained in prison for an indeterminate period.

(2) A court shall not make an approved school order in relation to any child under the age of ten years unless for any reason, including the want of a fit person who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

(3) In arriving at its decision the court shall have regard to section 4.

[Ch2603s17]17. Approved school orders and other orders for detention

(1) An approved school order in relation to a juvenile shall be sufficient authority for the detention in an approved school or approved home or otherwise in accordance with this Act of such juvenile until he attains the age of 18 years:

Provided that—

(a) in the case of a young person who is 16 years of age or older at the date when the order is made, the period of detention shall extend to 2 years from the making of the order;

(b) the Board may at any time during the authorized period of detention exercise any of its powers in relation to such juvenile under section 28.

(2) An approved school order shall be in the form in the Schedule or such other form as the Minister may from time to time prescribe. Schedule

(3) An order for detention in prison under section 16 (1) (i) shall be sufficient authority for the detention in any prison of the person in relation to whom it is made for a period which shall not be less than six months nor more than 2 years:

Provided that the Board may, on the representation of the Commissioner of Prisons, direct the transfer of such person to an approved school or approved home or exercise any of its powers in relation to such person under section 28.

(4) The order or warrant in pursuance of which a juvenile is detained under this Act shall be delivered with the juvenile to the person in charge of the approved school or approved home and a copy of every approved school order shall be delivered to the Registrar of the High Court for transmission to the Chairman of the Board.

[Ch2603s18]18. Escape from custody and breach of condition

(1) A juvenile whilst in the custody and care of any person pursuant to an order of court under this Act and whilst being conveyed between a court and an approved school or approved home on remand or otherwise or being transferred by direction of the Board shall be deemed to be in lawful custody and if he escapes may be apprehended without warrant and brought back to the appropriate place.

(2) Where a court has committed a juvenile to the care of any person under section 16 (1) (c) and it is reported to the court that the juvenile has escaped from such custody or that the person is unable or no longer willing to continue to undertake the custody and care of the juvenile the court may, upon the juvenile being brought before it, make such other order in replacement of its previous order as it could have made at the time of its previous order.

(3) Where a juvenile has committed a breach of any condition upon which he has been released by order of court or by the Board, the Chairman of the Board may direct any person, without warrant, to apprehend that juvenile and to convey him to any approved school or approved home for detention, and the provisions of subsection (1) shall apply in such case.

[Ch2603s19]19. Appeals and review

(1) Any juvenile, or his parent or guardian dissatisfied with any judgment, sentence or order of a juvenile court, may prefer an appeal to the High Court against such order in accordance with the provisions of any law in force for the time being regulating appeals to such Court from a subordinate court.

(2) In the event of an approved school order or order for detention in prison being made by a juvenile court under this Act, a copy of the order together with the proceedings, including the information obtained under section 14 (13) and the reasons of the court for making the order, shall be sent forthwith to the High Court which may confirm the order or may set the order aside and substitute any other order which the juvenile court might have made.

PART III

JUVENILES IN NEED OF CARE, CONTROL OR SUPERVISION

[Ch2603s20]20. Need of care, control or supervision

(1) For the purposes of this Act, a juvenile in need of care, control or supervision means one who, having no parent or guardian or a parent or guardian unfit or unable to exercise proper care and guardianship, or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral or physical danger, or beyond control.

(2) For the purpose of this section, the fact that a juvenile is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall be evidence that he is exposed to moral danger.

[Ch2603s21]21. Power of parent or guardian to bring a juvenile before a juvenile court

The parent or guardian of a juvenile may bring the juvenile before a juvenile court and if he proves that he is unable to control the juvenile and satisfies the court—

(a) that it is expedient to deal with the juvenile as a person in need of care, control and supervision; and

(b) that the parent or guardian understands the results which will follow from, and consents to, the making of an order under section 22,

the court may make an order under that section in relation to such juvenile.

[Ch2603s22]22. Power of juvenile court in respect of juveniles in need of care, control and supervision

(1) If a juvenile court is satisfied that any person brought before the court is a juvenile in need of care, control and supervision, the court may either—

- (a) make an approved school order in relation to him;
- (b) commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him;
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either paragraph (b) or paragraph (c), make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) The provisions of this Act shall apply to orders made under this section as though the order had been made under section 16.

[Ch2603s23]23. Power to bring persons before court

Any administrative officer, police officer of or above the rank of sub-inspector, Social Welfare Officer or other person appointed for the purpose by the Minister may apprehend and bring before a juvenile court any person whom he has reason to believe to be a juvenile in need of care, control and supervision.

PART IV

BOARD OF VISITORS

[Ch2603s24]24. Establishment of the Board

24 of 1972, 6 of 1990(1) There is hereby established a Board of Visitors which shall consist of six members appointed as follows—

- (a) the Chairman of the Board who shall be a Judge or Resident Magistrate appointed by the Chief Justice;
- (b) five other members appointed by the Minister, each to represent one of the following Ministries, respectively—
 - (i) the Ministry responsible for Health;
 - (ii) the Ministry responsible for Education;

- (iii) the Ministry responsible for Labour;
- (iv) the Ministry responsible for Social Welfare; and
- (v) the Ministry responsible for Traditional Courts.

(2) Alternates to act for the Chairman and the other members of the Board during their temporary inability to act by reason of sickness, absence or other cause may be similarly appointed.

[Ch2603s25]25. Tenure of office of members of the Board

(1) The Chairman of the Board shall hold office at the pleasure of the Chief Justice. The other members of the Board shall hold office at the Minister's pleasure.

(2) The Chairman of the Board or his alternate may, by giving notice in writing to the Chief Justice, resign his appointment and other members of the Board or their alternates may resign by giving notice in writing to the Chairman but no such resignation shall take effect until seven days after the receipt of the notice by the Chief Justice or the Chairman, as the case may be.

[Ch2603s26]26. Proceedings of the Board

(1) The Chairman of the Board shall preside at meetings of the Board, but in the absence of the Chairman and of his alternate, if any, from any meeting the other members of the Board present shall elect one of their number to perform the functions of the Chairman at that meeting.

(2) The quorum of the Board shall be any three members thereof.

(3) Decisions of the Board shall be in accordance with the vote of the majority of members present and voting thereon, but in the event of an equality of votes the Chairman or the person performing the functions of Chairman at the meeting concerned, shall have a casting vote in addition to his deliberative vote.

(4) Meetings of the Board shall be held as often and at such times and places as the Chairman deems necessary.

(5) The Minister may make rules regulating the procedure of the Board. Subject to the provisions of such rules, if any, and of this Act, the Board shall regulate its own procedure.

[Ch2603s27]27. Functions of the Board

22 of 1989The functions of the Board shall be—

- (a) to promote the development as good citizens of all juveniles in respect of whom approved school orders and orders for detention in prison have been made;
- (b) to consult with and advise the administrators of approved schools and approved homes;

22 of 1989(c) to undertake visits to approved schools and approved homes and to prisons where juveniles have been transferred to or detained; and

(d) for the purposes aforesaid, to carry out the duties imposed upon it under this Act.

[Ch2603s28]28. Powers of the Board

(1) The Board shall have the power—

(a) to specify the approved school or approved home to which any juvenile in respect of whom an approved school order has been made is to be sent;

(b) at any time to cancel any approved school order and order the absolute or conditional discharge of any juvenile from any approved school or approved home;

(c) to order any juvenile to be transferred from an approved school or approved home to any other approved school or approved home or to any other place of detention under subsection (2);

(d) to order any juvenile to be released from any approved school or approved home on condition that he shall live under the charge of, and be supervised by, any fit person (who may be a probation officer appointed under section 15 of the Probation of Offenders Act) named in the order of release willing to receive, take charge of, supervise and keep him employed at some trade, occupation or calling; Cap. 9:01

(e) to attach such conditions as it shall think fit to any order discharging a juvenile from an approved school or approved home and to cancel the order of discharge if any such condition is not observed.

(2) Where the Board is satisfied, on the representations of the manager of an approved school or an approved home, that a young person ordered to be detained in such approved school or approved home is of so unruly a character that he cannot be so detained, or is of so depraved a character that he is not a fit person to be so detained, the Board may—

(a) order such young person to be transferred to and detained in another approved school or approved home which the Board considers more suitable for him and there to complete the unexpired portion of authorized detention;

(b) order such young person to be transferred to and detained in a prison for a period not exceeding six months;

(c) on completion of the period of detention in a prison ordered under paragraph (b), and on receipt of a satisfactory report of the young person's conduct from the Commissioner of Prisons, order the young person to be sent back to the approved school or approved home, from which he had been transferred, to complete the unexpired portion of the period of authorized detention;

(d) on completion of the period of detention in a prison ordered in paragraph (b), order such young person to be detained for a further period not exceeding twelve months if the Commissioner of Prisons reports that his conduct, during the period of his detention, has been unsatisfactory, whether or not such period exceeds the period of detention originally authorized.

(3) Where a young person, having been transferred to, and detained in, a prison and sent back to an approved school or approved home, as provided in paragraphs (b) and (c) of subsection (2), is again brought before the Board on the representations of the manager of an approved school or approved home, as being of so unruly or depraved a character as to make his detention in such approved school or approved home undesirable, the Board may order the young person to be detained in a prison for the unexpired portion of the period of authorized detention, or may make any other order under subsection (1).

(4) Any person who considers himself aggrieved by any order made by the Board under this section may appeal to the High Court.

(5) Any person who wilfully disobeys, obstructs, or fails to comply with any order made by the Board under this section shall be guilty of an offence and liable to a fine of fifty pounds.

PART V

DETENTION OF JUVENILES PENDING TRIAL, ETC.

[Ch2603s29]29. Juveniles not to associate with adult offenders

No juvenile while detained in a police station or while being conveyed to or from any court, or while awaiting before or after attending in any criminal court, shall be permitted to associate with an adult (not being a relative) who is charged with an offence other than an offence with which the juvenile is jointly charged.

[Ch2603s30]30. Bail of juveniles

Where a person apparently under the age of eighteen years is apprehended with or without a warrant and cannot be brought forthwith before a court, the officer-in-charge of the police station to which such person is brought shall unless—

(a) the charge is one of homicide or any offence punishable with imprisonment for a term exceeding seven years;

(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,

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

[Ch2603s31]31. Custody of juveniles not released on bail

Whenever any person apparently under the age of eighteen years has been arrested and is not released on bail under section 30 the officer in charge of the police station of which such person is brought shall, notwithstanding anything to the contrary contained in any other written law, cause such person to be detained in a place of detention 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 or depraved a character that he cannot be safely 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 the person is brought.

[Ch2603s32]32. Remand of or committal to custody in a place of detention

(1) A court on making an order remanding or committing for trial a juvenile who is not released on bail shall, notwithstanding anything to the contrary contained in any other written law, instead of remanding or committing him in custody in a prison, remand or commit him in custody in a place of detention named in the order, to be here detained for the period for which he is remanded or committed or until he is thence delivered in due course of law:

Provided that in the case of a young person it shall not be obligatory on the court to remand or commit him for trial in or to a place of detention under this subsection if the court certifies that it is impracticable to do so, or that he is of so unruly a character that he cannot be safely so remanded or committed, or that he is of so depraved a character that he is not a fit person to be so detained. In such a case the court may remand such young person to custody in, or may commit him to, a prison.

(2) An order of remand or 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 detention or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court; and if it is revoked the young person may be remanded in custody in, or committed to, a prison.

[Ch2603s33]33. Places of detention

A place of detention for the purposes of this Act shall be such place as the court referred to in section 32 or, as the case may be, the officer in charge of the police station referred to in section 31, shall consider suitable to ensure that the person to be detained shall—

- (a) be brought before a court when required;
- (b) not associate with any adult charged with an offence or undergoing a sentence of imprisonment.

PART VI

APPROVED SCHOOLS AND APPROVED HOMES

[Ch2603s34]34. Approved schools

5 of 1976(1) Until the Minister by order otherwise provides the approved schools shall be the institution known as the Chilwa Approved School and the institution known as the Mpemba Boys' Home.

(2) The Minister may, by order, establish such further or other approved schools as may be desirable for the purposes of this Act. All approved schools shall be managed by a person appointed by the Minister.

(3) Every such order shall specify the premises in which the approved school to which it refers is to be established and shall state whether the same is to be used for male or female persons or both.

[Ch2603s35]35. Minister may appoint approved homes

The manager or proprietor of any school or home intended, in whole or in part, for the reception, education and vocational training of persons to be sent there in pursuance of this Act may apply to the Minister to appoint the school or home for that purpose, and the Minister may so appoint the school or home and issue a certificate of appointment and approval to the manager or proprietor thereof, which certificate shall be published in the Gazette, and shall state the number of persons authorized to be detained therein at any one time. Any such school or home shall, while such certificate remains in force, be an approved home for the purposes of this Act.

[Ch2603s36]36. Manager may make rules subject to the approval of the Minister

(1) The manager of an approved home may make rules not repugnant to, or inconsistent with, this Act for the regulation and management of the home and the maintenance of discipline therein.

(2) No such rules shall be enforced until they have been approved by the Minister.

(3) Rules so approved shall not be altered without the like approval.

[Ch2603s37]37. Manager shall send monthly report to the Minister and allow inspection

(1) The manager of an approved home shall send a report to the Minister containing such particulars as may be required by the rules for such home at monthly intervals or such longer intervals as the Minister may direct.

(2) The manager of an approved home shall at all times allow the home to be inspected by any person appointed by the Minister for that purpose and shall provide all reasonable facilities for the purpose of any such inspection.

[Ch2603s38]38. Minister may withdraw his certificate

The Minister may from time to time appoint persons to inspect approved homes and to report to him on the management and state of the condition, appearance and training of the persons therein. The person so appointed shall have authority to enter and inspect any approved home and the persons therein and to make all inquiries directed by the Minister and to report to the Minister. The Minister upon consideration of such report may cancel the certificate relating to the home, and upon notice in writing of such cancellation having been given to the manager thereof the home shall cease to be an approved home from such time as is specified in the notice, and the fact of such cancellation shall be notified in the Gazette.

[Ch2603s39]39. Manager, etc., his executor or administrator may resign certificate

(1) The manager or proprietor of any approved home may, upon giving six months' previous notice, and the executors and administrators of a deceased proprietor may, upon giving one month's previous notice in writing of their intention so to do, apply for the cancellation of the certificate given to such home.

(2) Such notice shall be given to the Minister in writing and at the expiration of six months or one month, as the case may be, from the date of the notice, unless in the meantime the notice has been withdrawn, the certificate shall be deemed to be cancelled, and notification of such cancellation shall be published in the Gazette.

[Ch2603s40]40. Liabilities of managers

The manager of an approved home shall, if there is a vacancy in the number of persons authorized to be detained therein, receive any juvenile sent to him under this Act, and shall undertake to educate, clothe, lodge and feed him during the whole period for which he is liable to be detained in the home, or until the cancellation of the certificate takes effect.

[Ch2603s41]41. Effect of cancellation of certificate

Whenever the certificate of an approved home is cancelled under the provisions of section 38 or 39, no juvenile shall be received into such home, under any of the provisions of this Act, after the date of the receipt by the manager of the home of the notice of cancellation, or after the date specified in the notice of cancellation, as the case may be.

[Ch2603s42]42. Discharge or transfer of juveniles

When the cancellation of the certificate of an approved home takes effect, the persons resident therein shall be, by order of the Board, either discharged or transferred to some other approved school

or approved home, but so that the whole period of detention for which any person was sent to such approved home shall not be increased by such transfer.

[Ch2603s43]43. Review of cases of detained juveniles

The manager of any approved school or approved home, shall review all cases of juveniles when they have been detained for twelve months, and may, after such review, recommend to the Board the conditional discharge of such juvenile.

[Ch2603s44]44. Approved schools and homes lawful places of detention

Every approved school and approved home shall be a lawful place of detention for persons in respect of whom an approved school order has been made or who may lawfully be transferred thereto and shall be subject to inspection and report as herein provided.

[Ch2603s45]45. Illness of juvenile detained

(1) In the case of the serious illness of any juvenile who is detained in an approved school or approved home or is committed to the care and custody of any society or institution under the provisions of this Act, in which there is not suitable provision for the care of such illness, any manager or person having control of the place where such juvenile is detained may, on the certificate of a medical officer, make an order for his removal to a Government hospital.

(2) So long as any juvenile who shall have been removed to any hospital under the provisions of subsection (1) shall remain therein, the medical officer in charge thereof shall, at the end of every month, transmit to the manager or person having control of the place where such juvenile was detained a certificate signed by him that it is in his opinion necessary that he should remain in the hospital.

(3) The expression "Government hospital" in this section includes any hospital which the Minister, by notification in the Gazette, may declare to be a hospital for the purposes of this section.

[Ch2603s46]46. Return when cured

So soon as, in the opinion of the medical officer in charge of any hospital, it is no longer necessary that any juvenile who shall have been removed to the said hospital should remain therein, he shall transmit to the manager or persons having control of the place where such juvenile was detained a certificate stating that such necessity has ceased, and thereupon the manager or person having control of the place where such juvenile was detained shall forthwith cause such juvenile to be brought back to the place where he was detained if he is still liable to be detained therein.

[Ch2603s47]47. Duty to prevent escape

Every precaution shall be taken by the medical officers and other officers of any hospital to prevent the escape of such juveniles who may at any time be under treatment therein, and it shall be lawful for the said officers to take such measures for preventing the escape of any such juveniles as shall

be necessary, provided that nothing be done under the authority hereof which in the opinion of the medical officers is likely to be prejudicial to the health of any such juvenile.

[Ch2603s48]48. Breaches of rules and school discipline

(1) Any person committed to the care or custody of any approved school or approved home who—

- (a) wilfully neglects or wilfully refuses to conform to the rules thereof; or
- (b) is guilty of wilful insubordination against the discipline thereof,

shall for every offence be punished in the manner prescribed in the said rules.

(2) Where a person who has been committed to any approved school or approved home proves himself, in the opinion of the manager of such home, to be of so unruly or depraved a character as to render his retention in the approved school or approved home undesirable, the manager may make a report of the circumstances of the case in writing to the Board.

[Ch2603s49]49. Penalties for assisting or inducing escape and for harbouring or concealing escaped persons

Any person who—

(a) knowingly assists, directly or indirectly, any person legally detained in any approved school or approved home or committed under this Act to the care or custody of any person, society or institution or detained in any hospital, to escape therefrom;

(b) induces any such person so to escape; or

(c) knowing that any such person ordered to be detained or committed as aforesaid has escaped from any such approved school or approved home, or from the care or custody of such person, society or institution or from any such hospital, harbours or conceals, or assists in harbouring or concealing such person, or causes or induces him not to return to such school or home, person, society, institution or hospital,

shall be liable to imprisonment for six months and a fine of fifty pounds.

[Ch2603s50]50. Presumption

The production of the warrant or other document, in pursuance of which a juvenile is directed to be sent to an approved school or an approved home or committed to the care or custody of a person, society or institution or directed to be sent to any hospital, with a statement endorsed thereon or annexed thereto purporting to be signed by the manager to the effect that the juvenile named therein was duly received into and is at the date of the signing thereof detained in such school or home or by such person, or by the secretary of such society or institution or by the manager of such hospital to the effect that such juvenile was duly taken into the custody or care of such person, society or institution

and is at the date of signing thereof still in their care or custody, or has been otherwise dealt with according to law, shall in all proceedings relating to such juvenile be sufficient evidence of the identity and of the lawful detention or disposal of the juvenile named in such warrant or other document.

[Ch2603s51]51. Evidence

A copy of the rules of an approved school or approved home appointed or established under the provisions of this Act purporting to be signed by the manager thereof shall be evidence of such rules in all legal proceedings whatsoever.

PART VII

EXPENSES AND CONTRIBUTIONS

[Ch2603s52]52. Contributions by parents, guardians, etc.

(1) Where an order has been made by a juvenile court under any of the provisions of this Act committing a juvenile to the care of a fit person, an approved school or an approved home it shall be the duty of a parent or guardian or other person having the custody of the juvenile at the time of the commission of the offence to make contributions in respect of his maintenance.

(2) The rate of contribution to maintenance shall be such rate as the Minister may from time to time, by order, either generally or for any particular place of detention, home, school or person, provide.

[Ch2603s53]53. Contribution order

(1) When an approved school order or an order committing a juvenile to the care of a fit person has been made by a juvenile court (hereinafter in this section referred to as a committal order) the court may, at the same time or subsequently, make an order (hereinafter referred to as a contribution order) on the parent or guardian or other person having custody of the juvenile requiring him to contribute such weekly or monthly sum as may be prescribed under section 52 or such lesser sum as the court may consider proper.

(2) A contribution order may be made against a parent or guardian or other person having the custody of the juvenile, who, having been required to attend, has failed to do so; but save as aforesaid, no such order shall be made without giving the person to make the contribution an opportunity to be heard.

(3) A contribution order shall remain in force so long as the relevant committal order is in force:

Provided that—

(a) no contribution shall be payable under a contribution order in respect of any period during which the person to be maintained is on conditional discharge or released under the supervision of a probation officer;

(b) such an order—

(i) may be varied, revoked or suspended by the court which made it; and

(ii) shall not be so varied as to increase any contribution payable thereunder without giving the person making such contribution an opportunity to be heard.

(4) If any person shall wilfully neglect to comply with a contribution order, the court which made it may, for every breach of the order, by warrant, direct the amount due to be levied in the manner by law provided for levying fines imposed by courts or may sentence such person to imprisonment for one month for each month's contribution remaining unpaid.

PART VIII

GENERAL

[Ch2603s54]54. Power of Minister to remove a juvenile undergoing imprisonment to an approved school or home

The Minister may, by warrant under his hand, direct the removal to an approved school or approved home of any juvenile who at the commencement of this Act is in prison under sentence of imprisonment and in any such case the remainder of his prison sentence shall be deemed to be cancelled and such warrant shall be a sufficient authority for the detention of such juvenile in an approved school or approved home under the provisions of this Act, until the date on which his sentence, less any remission for good conduct, would, but for the provisions of this section, have expired.

[Ch2603s55]55. Powers of juvenile court conferred on other courts dealing with juveniles

(1) Where, under section 6, a court other than a juvenile court hears a charge against a juvenile and finds him guilty of an offence, it may exercise all the powers which a juvenile court might have exercised if it had heard the charge and found him guilty:

Provided that a Traditional Court which is not a designated Traditional Court shall, instead of exercising any other powers under this section, commit the offender to a juvenile court for sentence.

(2) Where a person has been found guilty by any court of an offence involving bodily injury to a juvenile, the court may deal with the juvenile under section 22, as though the court were a juvenile court:

Provided that, in the case of a Traditional Court which is not a designated Traditional Court, the Court shall not have power to make an approved school order in relation to the juvenile, but may direct any proper person to take the juvenile before a juvenile court.

[Ch2603s56]56. Saving of powers of High Court

(1) Nothing in this Act contained shall be held to lessen or affect the powers of Judges of the High Court to direct persons confined in the Republic to be brought before the Court.

(2) All the powers which may be exercised under this Act by a juvenile court in respect of a juvenile may in like manner be exercised by the High Court; and, in addition to its other powers, the High Court shall have power to order the detention in a prison up to but not after his attainment of the age of twenty years, of any person who has attained the age of sixteen years but has not attained the age of eighteen years at the date of making such order, if it considers such order to be for the welfare of such person.

[Ch2603s57]57. Duties and powers of person to whom juvenile is committed

(1) A person to whose care a juvenile is committed under this Act shall, whilst the order is in force, have the like control over the juvenile as if he were the parent, and be responsible for the maintenance of the juvenile and the juvenile shall continue in the care of such person notwithstanding that he is claimed by his parent or any other person.

(2) A person to whose care a juvenile is committed under this Act may receive any contribution ordered by a court under section 53 and shall report to the court—

- (a) half yearly, on the condition, education and health of the juvenile;
- (b) immediately, if the juvenile dies or escapes from his control.

When the person fails to report under paragraph (a) the court may exercise any of its powers under section 18.

(3) A person to whose care a juvenile is committed under this Act may at any time take such juvenile back to the court and apply to be relieved of his responsibilities and in such case the court may revoke its previous order and make such other order as it could have made at the time of its previous order.

(4) A person to whose care a juvenile is committed shall at all times allow a Social Welfare Officer to visit the place where the juvenile is living and shall answer all reasonable enquiries which may be made by such Social Welfare Officer.

[Ch2603s58]58. Duties arising from a probation order

(1) Where a court has made a probation order under section 16 (1) (e) the parents or guardian of the juvenile shall continue to be responsible for his care and maintenance but shall allow the probation officer or other person appointed for the purpose by the court (hereinafter referred to as the supervisor) to have access at any time to the place where the juvenile is living and shall give all such information relating to the condition, education and health of the juvenile as the supervisor may require and shall consider any advice relating to the upkeep and education of the juvenile which may be given by the supervisor.

(2) If at any time the supervisor reports to the court that the juvenile in respect of whom the probation order has been made should be removed from the custody of his parents or guardian the court shall consider such report as though there were proceedings pending under section 14 and may make any order in place of the probation order which it might have made under section 16.

[Ch2603s59]59. Offences

Any person who—

(a) refuses to answer, to the best of his knowledge and belief, any question which he is legally bound to answer and which is asked of him by any officer appointed by or under this Act;

(b) makes, signs or delivers, or causes to be made, signed or delivered, any wilfully false or incorrect notification, report or statement;

(c) refuses to allow an officer appointed or authorized under this Act such entry or access to any house, building, land, enclosure, vessel or other place as he is required by this Act to allow; or

(d) contravenes or fails to comply with any order, summons or warrant lawfully made under this Act,

shall be liable to imprisonment for six months and to a fine of fifty pounds.

[Ch2603s60]60. Mistake as to age

No action taken in good faith or order made in purported exercise of any power conferred by this Act shall be deemed illegal or invalid by reason only that it afterwards appears that a mistake has been made regarding the age of any person.

[Ch2603s61]61. Regulations and rules

(1) The Minister may make Regulations—

(a) for carrying this Act into effect;

(b) for prescribing such forms as shall be used; and

(c) for imposing imprisonment or fine or both for any contravention of any regulation made under this Act but so that such imprisonment shall not exceed six months and such fine shall not exceed fifty pounds.

(2) The Minister may make rules for the regulation and management of any approved school and the maintenance of discipline therein.

[Ch2603s62]62. Rules of Court

Rules of Court may be made by the Chief Justice for regulating the procedure and practice in a juvenile court.

[Ch2603s63]63. Designation of Traditional Courts

The Minister responsible for Traditional Courts may, by notice, designate any Traditional Court to exercise jurisdiction under this Act.

SCHEDULE

CHILDREN AND YOUNG PERSONS ACT

(SECTION 17 (2))

APPROVED SCHOOL ORDER

IN THE MAGISTRATESubstitute Traditional if appropriate† COURT AT

.....

SITTING AS A JUVENILE COURT

JUVENILE CASE NUMBER

.....

(hereinafter called the juvenile) who appears to the Court to be a juvenile having been born, as far as can be ascertained, on or about the day of, 19..... has this day Delete if inappropriate*been found to have committed the following offences

.....

OR Delete if inappropriate*to be in need of care, control and supervision

Is HEREBY ORDERED to be sent FORTHWITH (or on the day of, 19.....) to an APPROVED SCHOOL OR APPROVED HOME to be detained there until the juvenile has attained the age of eighteen years or until the expiration of two years from the date of this Order whichever date be the later

AND it is further ordered that the police officers of the Republic or shall be responsible for conveying the juvenile to such school or home as may be specified by the Board of Visitors

Delete if inappropriate*AND it is further ordered that residing at being the parent or guardianor other person hitherto having custody of the juvenile shall pay to the weekly (monthly) sum of until the juvenile ceases to be subject to this Order

Delete if inappropriate*AND it is further ordered that until the juvenile is sent to the said school or home in pursuance of this Order he or she shall be detained in or is committed to the custody ofDated this day of, 19.....

.....
Magistrate /Chairman

SUBSIDIARY LEGISLATION

JUVENILE COURTS (TRADITIONAL COURTS) DESIGNATION NOTICE

under s. 63

G.N. 138/1969

222/1971

110/1975

37/1991

The Minister has designated the following Traditional Courts to exercise jurisdiction under the Act—

The Southern Regional Traditional Court

The Central Regional Traditional Court

The Northern Regional Traditional Court

All District Traditional Courts

CHILDREN AND YOUNG PERSONS (APPROVED SCHOOLS) (MANAGEMENT AND MAINTENANCE OF DISCIPLINE) RULES

under s. 61(2)

G.N. 1/2010

PART I

PRELIMINARY

1. Citation

These Rules may be cited as the Children and Young Persons (Approved Schools) (Management and Maintenance of Discipline) Rules.

2. Application

These Rules shall apply to the Chilwa Approved School and the Mpemba Boys' Home, unless the Minister designates otherwise by notice published in the Gazette.

PART II

MANAGEMENT AND SUPERVISION OF APPROVED SCHOOLS

3. Management and supervision of an approved school

(1) The management and supervision of an approved school shall be under the charge of a Principal who shall be appointed by the Minister pursuant to section 34 (2) of the Act.

(2) The Principal of an approved school shall perform such functions and carry out the duties of a manager of an approved school as prescribed under Part VI of the Act and under these Rules.

(3) Without prejudice to subrule (2), the Principal shall perform his functions and carry out his duties in accordance with the advice of the Board issued to him from time to time.

4. Authority for detention at an approved school

(1) No juvenile, who is—

(a) a child, shall be detained at the Mpemba Boys' Home; and

(b) a young person, shall be detained at the Chilwa Approved School, unless there is issued in respect of such juvenile an Approved School order, a remand warrant or other valid document authorizing such detention.

(2) Where before deciding how to deal with a juvenile, the court obtains information in respect of the general conduct, character, home surroundings, school record and history of a juvenile, such information shall be submitted in writing to the Principal by the court together with any authority for the detention of the juvenile required under subrule (1).

5. Positive staff attitude

The Principal shall take necessary administrative management measures to ensure that staff members of an approved school portray a positive attitude towards all juveniles during the entire period of their detention.

6. Provision of uniform and blankets

(1) Every juvenile shall be issued with a pair of uniforms and blankets on the date of admission or detention, as the case may be and every six months thereafter.

(2) All personal clothing and other property including cash, of the juvenile, shall be stored in a safe place and recorded in the Property Book, provided that lice infested and unsuitable clothing shall be burnt forthwith on the express direction of the Principal.

7. Use of uniform

(1) Every juvenile shall whilst on the premises of an approved school, wear only the uniform issued to him.

(2) A juvenile may wear his personal clothing, other than the uniform issued to him, when going out of the premises of an approved school upon obtaining the prior permission of the Principal.

8. Hostel and other inspections

The Principal shall conduct monthly, weekly and daily hostel inspections to ensure that juveniles fully comply with these Rules.

9. Books and maintenance records

The Principal shall cause to be kept and maintained up to date—

(a) a Diary, in which shall be recorded aggregate numbers of admissions, discharges, abscondments, departures for and arrivals from leave, of juveniles in respect of each day;

(b) admission Registers, each for the following—

(i) juveniles who have been tried and found guilty of an offence;

(ii) juveniles on remand pending trial for the alleged offence; or

(iii) juveniles certified by the court to be in need of care, and supervision;

(c) a juvenile Personal File, in which shall be recorded particulars of any juvenile including—

(i) his personal status in regard to matters recorded in registers maintained under paragraph (b);

(ii) date of detention;

(iii) expected date of discharge;

(iv) departures for and arrivals from leave;

(v) acts of misconduct;

(vi) punishment imposed and served; and

(vii) progress, if any, being made by the juvenile in the course of his detention;

(d) Punishment Book, in which shall be recorded particulars of juveniles who the Principal shall find to be guilty of breaching these Rules and also the particulars of the punishment imposed; and

(e) a Property Book, in which shall be recorded information pursuant to Rule 6.

10. Use of personal money

A juvenile, whose money is kept by the Management under rule 6 may, at any time, use that money for the purchase of authorized articles upon first being allowed to do so by the Principal.

11. Report to the Minister

(1) The Principal shall submit a monthly report to the Minister.

(2) The report to be submitted under subrule (1) shall contain such matters and particulars as the Board shall from time to time advise the Principal.

PART III

EDUCATION AND VOCATIONAL TRAINING

12. Education and vocational training compulsory

(1) The attainment of education, by way of primary and secondary school lessons and vocational trainingshall be compulsory for all juveniles.

(2) The teachingstaff or trade instructors shall within two months of the date when any juvenile is first admitted to an approved school, advertise the trades available for the choice of the juvenile.

(3) The Principal shall take necessary administrative measures to ensure that no juvenile is forced to pursue a trade which is not of his choice.

(4) Vocational trainingshall wholly be offered by the staff of an approved school and within its premises.

(5) Primary and secondary school education shall be offered by the staff of an approved school in its premises:

Provided that a juvenile may be allowed by the Principal to attend primary or secondary school classes outside the premises of the approved school.

(6) The Principal shall not allow any juvenile to attend primary school or secondary school classes outside the premises of the approved school if the juvenile is a person—

(a) of so unruly a character that he cannot safely be allowed to do so;

(b) of so depraved a character that he is not a fit person to be so allowed; or

(c) who has habitually displayed a tendency for abscondment or for any violation of these Rules.

13. Tools, teaching aids and materials

(1) The Principal shall ensure that the academic staff and trade instructors maintain up to date inventories of all—

- (a) tools used in vocational training; and
- (b) teachingaids and materials used in the provision of primary and secondary school lessons.

(2) A member of staff of a trade instructor shall account for any loss of tools, teachingaids and materials occasioned by the failure of that member of staff or trade instructor to comply with subrule (1).

14. Consideration of complaints by juveniles

(1) For the purpose of effectively facilitating the performance by the Board of its duty to promote and develop as good citizens all juveniles detained at the approved school—

- (a) the Principal;
- (b) the Deputy Principal;
- (c) any member of staff in-charge in the absence of the Principal and the Deputy Principal;
- (d) any member of the academic staff: and
- (e) any trade instructor,

shall, in the course of his official or social interaction with the juveniles, afford them patient and sympathetic consideration of all complaints which they, or any one of them, may make from time to time.

(2) Without prejudice to the generality of subrule (1) any serious complaints shall personally be dealt with by the Principal.

15. Government Trade Test for Grade III

The Principal shall take measures for ensuring that a juvenile shall at least be given an opportunity to attempt the Government Trade Test for Grade III in the trade of his choice, before that juvenile is discharged from an approved school.

PART IV

HYGIENE

16. Provision and use of soap

(1) Every juvenile shall be issued with soap on the date of his detention and every fortnight thereafter.

(2) The soap issued to the juvenile under subrule (1) shall be used for at least—

- (a) a weekly washing of his uniform; and
- (b) his daily morning and evening baths which shall be taken at times to be designated by the Principal.

17. Cleanliness

(1) No juvenile shall retire to bed, in the evening, without first having a bath at the time designated by the Principal.

(2) Every Juvenile shall strive to always put on a clean uniform.

(3) Every juvenile shall keep his hair short and tidy.

(4) The Principal shall provide prefects with pairs of scissors and razor blades for purposes of subrule (3) provided that the prefects shall account for the same to the matron.

(5) The Principal shall ensure that juveniles clean up classrooms, workshops, school hall, school grounds and dormitories after each day's business and use.

PART V

DISCIPLINARY PROVISIONS

18. Prohibition of gambling, criminal and other acts

(1) Involvement of a juvenile in any criminal activity including—

- (a) gambling of any kind;
- (b) fighting or provoking a fight;
- (c) abscondment from detention;
- (d) aiding and abetting abscondment;
- (e) theft within and outside the premises of an approved school; and
- (f) damaging Government property,

is prohibited.

(2) Without prejudice to the generality of subrule (1), the following acts are also prohibited—

- (a) exit by a juvenile from the premises of an approved school without the prior express permission of the Principal;

- (b) exit from the premises of an approved school without carrying the school's exit permit;
- (c) bullying or teasing of any kind;
- (d) use of obscene language or swearing of any kind;
- (e) the taking of any intoxicating substance including liquor, alcohol, drugs and the smoking of cigarettes;
- (f) disobedience by any juvenile of orders, commands and instructions of, and by anyone in authority including the Principal and all members of staff of the approved school;
- (g) unruly behavior or depraved character; and
- (h) engagement by juveniles in sexual immorality within and outside the premises of the approved school.

PART VI

MISCELLANEOUS PROVISIONS

19. Accommodation

- (1) Juveniles shall be allocated accommodation in accordance with their respective age groups.
- (2) In each dormitory, the oldest boy shall be a prefect.

20. Food

In order to maintain the good health of juveniles—

- (a) the Matron shall always ensure that food is properly cooked and fairly distributed;
- (b) the Principal, on the advice of the Matron, shall ensure that food supplies are always ordered in good time before any existing stock is completely depleted;
- (c) each juvenile shall wash his own plate and cup; and
- (d) all the food shall be eaten in the Dining Hall, except in the case of a very sick juvenile who may eat it in his dormitory.

21. Home leave and unconditional discharge

(1) No juvenile shall be allowed to proceed on home leave or to be unconditionally discharged, except where the Board, on the recommendation of the Principal, is of the opinion that the juvenile—

- (a) has since his detention displayed good conduct;
- (b) has, at least once, attempted the Government Trade Test for Grade III;

- (c) has not been in habitual breach or violation of these Rules;
- (d) is not in any event, a person of unruly behavior or of depraved character; or
- (e) is a person of poor health who ought to receive immediate parental care and attention in addition to any medical treatment available or otherwise.

(2) Where a juvenile has been granted home leave—

- (a) the Principal shall facilitate his travel to and from home by providing means of transport;
- (b) the juvenile shall forthwith proceed on home leave for the duration of the leave sanctioned by the Board;
- (c) the juvenile shall be cautioned against abscondment;
- (d) the juvenile shall provide particulars of the place where he will spend the home leave, if such place is other than the place indicated on the particulars in the juvenile's personal file; and
- (e) the grant of the home leave may be subject to such conditions as the board may impose for the purpose of securing the juvenile's safe and guaranteed return to the approved school at the expiry of the home leave period in question.

(3) Where a juvenile has been granted unconditional discharge, the Principal—

- (a) shall facilitate the travel to his home district by providing him with means of transport;
- (b) may, where feasible issue tools and a start-up kit to the juvenile for the purpose of enabling him to engage in the trade he pursued whilst at approved school;
- (c) may, where feasible issue the juvenile with an appropriate letter of introduction aimed at enhancing the juvenile's employment prospects; and
- (d) shall conduct a follow up exercise to ensure a smooth resettlement of the juvenile in his community.

22. Recreational activities

(1) Juveniles shall, on days and at times designated by the Principal, engage in recreational activities, including—

- (a) volley ball;
- (b) soccer;
- (c) singing;

- (d) dancing;
- (e) bawo;
- (f) watching television or video; or
- (g) video games.

(2) Every juvenile shall be available for the recreational activities, except in cases of sickness.

23. Breach of rules and punishment

(1) Any juvenile who breaches or violates any of these Rules shall be guilty of willfull insubordination against the discipline of the approved school.

(2) Any juvenile who is found guilty of willfull insubordination shall be liable to loss of privileges and amenities as the Board may direct.