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An Act to provide the means of prevention of the commission of crimes by children and to provide generally for the control of children and for the protection of indigent, neglected or delinquent children (11 October 1968)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short title, commencement and division into Parts -

(1) This Act may be cited as the Prevention of Juvenile Crime Act 1968.

(2) This Act shall come into force in any island on the date to be appointed by the High Commissioner by Order in Executive Council and different dates may be so appointed in respect of different islands.

(3) This Act is divided into Parts, as follows:

- Part I - Administration (Section 3)
- Part II - Prevention of Juvenile Wrong-doing (Sections 4 to 18)
- Part III - Children's Courts (Sections 19 to 38)
- Part IV - Appeals (Section 39)
- Part V - Miscellaneous (Sections 40 to 43)

2. Interpretation - In this Act, unless the context requires, Interpretation -

"Chairman" means the Chairman of the Juvenile Crime Prevention Committee;
 "Child" means boy or girl under the age of sixteen years;
 "Committee" means the Juvenile Crime Prevention Committee;
 "Community youth officer" means any person appointed by the Minister by notice in the "Gazette" as a community youth officer for the purposes of this Act;
 "Constable" includes any officer of the Police appointed under the provisions of the Police Act 1967;
 "Court" means the Children's Court constituted under this Act;
 "Judge" means Judge of the High Court;
 "Justice" means Justice of the Peace;
 "Minister" means the Minister responsible for Justice;
 "Registrar" means any Registrar of the High Court and includes any Deputy Registrar;
 "Secretary" means the Secretary of the Juvenile Crime Prevention Committee;
 "Superintendent of Police" means the Superintendent of Police appointed under the Police Act 1967 and includes any member of the Police authorised by the

Superintendent of Police to act on his behalf for the purposes of this Act:
 "Village Committee" means any Village Committee established under the provisions of the Local Government Act 1966.

[Amended Act 1970/13]

PART I

ADMINISTRATION

3. Community youth officers - (1) The Minister shall from time to time appoint persons to be community youth officers for the purposes of this Act.

(2) Notice in the "Gazette" of the appointment of a person as a community youth officer shall be sufficient evidence of his appointment as such.

PART II

PREVENTION OF JUVENILE WRONG-DOING

4. Juvenile Crime Prevention Committee - There is hereby established a Committee to be called the Juvenile Crime Prevention Committee.

5. Constitution of Committee - The Committee shall consist of three members comprising:

- (a) One member to be appointed by the Advocate-General, who shall be Chairman; and
- (b) The Superintendent of Police; and
- (c) One member appointed by the Minister.

6. Secretary to Committee - There shall from time to time be appointed for the Committee a Secretary who shall be the Secretary for Justice or some person nominated by him.

7. Functions of Committee - The Committee shall consider all complaints which may be laid before it as hereinafter provided by this Act.

8. Complaints - Where any constable, community youth officer, school inspector, visiting teacher, head teacher, or chairman of a Village Committee has reason to believe that any child is delinquent, or neglected, or indigent, or not under proper control or is persistently truanting or otherwise engaged in troublesome or mischievous behaviour or is living in an environment which is detrimental to his physical or moral well-being, he may notify the Secretary of such belief and the grounds thereof and, in particular, shall supply to him:

- (a) The name of the child referred to;
- (b) The names of the parents or guardians of the child or the person in whose custody the child is;
- (c) The place of residence of the child and that of his parents, guardians or custodians;
- (d) Particulars of the complaint.

9. Chairman to consider complaint and refer to Committee - (1) On receipt of any complaint under section 8 hereof, the Secretary shall forward it forthwith to the Chairman who may require further particulars thereof to be supplied to him.

(2) The Chairman shall consider the complaint and any further particulars (if any) obtained by him and unless he is satisfied that it is frivolous or vexatious or without substance he shall refer the same to a meeting of the Committee to be called by him for that purpose.

10. Committee to consider complaint referred to it -
 (1) The Committee, at the meeting called by the Chairman under the section 9 of this Act shall consider the complaint referred to it and, if having regard to the interests of the child concerned therein and the public interest, it is of the opinion it is desirable so to do, may, by summons, require the child, his parents, guardians or custodians or any of them to attend before it at a time and place to be fixed by the Chairman for the purpose of further inquiry into the complaint.

(2) The summons issued pursuant to subsection (1) hereof shall be signed by the Chairman and shall specify briefly the purpose thereof and may be in the form number 1 in the Schedule hereto.

(3) The Committee may, after considering the complaint as herein provided, take no further action thereon.

11. Procedure at inquiry - (1) No inquiry under this Part of this Act shall be deemed a judicial proceeding and no record thereof shall be made save the date on which it was held, the persons attending, the nature of the complaint, and the action taken by the Committee in respect thereof.

(2) All such inquiries shall be held in private.

(3) It shall not be lawful to publish any report or description of any inquiry or of the names and descriptions of persons concerned therein.

(4) Every person who commits a breach of subsection (3) of this section is guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding two hundred dollars.

12. Persons entitled to be present - (1) No person shall be entitled or permitted to be present at any inquiry under this Part of this Act save:

(a) Any member of the Committee or any officer employed by it;

(b) The persons summoned to attend the same pursuant to section 10 of this Act;

(c) Any community youth officer;

(d) Any school inspector or visiting teacher.

(2) The identity of any complainant shall not be made known to any persons other than the members of the Committee and no complainant shall attend or be required to attend at any inquiry or other deliberation of the Committee.

(3) The Complainant shall not be entitled to be informed of the decision of the Committee on the inquiry or of any other detail thereof.

13. Inquiry - (1) It shall be the duty of the Chairman to inform each person appearing before the Committee pursuant to a summons issued under section 10 hereof of the nature of the complaint against him and to ascertain if that person desires to give any answer thereto.

(2) Every person appearing shall be entitled to be heard by the Committee but shall not be compelled to make any statement to it.

(3) No statement made by any person at the inquiry shall be used in evidence in any judicial proceeding.

(4) At the conclusion of the inquiry the Committee shall consider the matters arising therefrom and after such consideration may either:

(a) Admonish the child, his parents, guardians or custodians or any of them; and/or

(b) Issue a notice in writing under the hand of the Chairman ordering certain conditions of conduct to be observed by the child, the parents, guardians or custodians or any of them, and/or such other conditions as the Committee thinks necessary for his or their good conduct or for preventing the commission of any offence by the child the subject of the complaint; or

- (c) Authorise the laying of any information or complaint in the Children's Court concerning the subject-matter of the complaint in the manner hereinafter appearing; or
- (d) Take no further action in the matter and advise the persons attending the inquiry accordingly.
- (5) The notice issued pursuant to subsection 4 (b) hereof may be in the form number 2 in the Schedule hereto and shall be served personally on the persons affected thereby.
- (6) The notice issued pursuant to subsection (4) (b) hereof shall not exceed a term of two years and where no term is provided a term of two years shall be deemed to apply.

14. Failure to appear in answer to summons - Every person commits an offence against this Act who being summoned to appear pursuant to section 10 hereof, refuses or fails without lawful excuse to appear before the Committee and is liable on conviction of a fine not exceeding fifty dollars.

15. Application to Court for review etc. of notice -
 (1) Any person aggrieved by a notice issued under section 13 (4) (b) hereof, or by any condition set out therein may within fourteen days of the receipt thereof by him apply to the Children's Court for a revocation or variation of the same.
 (2) Notice of such application shall be served not less than seven days before the day of hearing thereof on the Chairman who shall be entitled to appear and be heard at such hearing.

16. Hearing of application by Court - Upon hearing an application for revocation or variation filed pursuant to the section 15 hereof the Court may:

- (a) Affirm the said notice and/or the conditions therein; or
- (b) Revoke the same; or
- (c) Vary the same in such manner as it deems fit; or
- (d) Add such further conditions as to it may seem necessary.

17. Failure to comply with notice - (1) Any parent, guardian or custodian of any child issued with a notice under section 13 (4) (b) hereof who fails to comply with the same or any of the conditions therein ordered shall be guilty of an offence against this Act and be liable on conviction in the Children's Court to a term of imprisonment not exceeding three months or a fine not exceeding two hundred dollars or both.

(2) Any child issued with a notice under section 13 (4) (b) hereof who fails to comply with the same or any of the conditions therein ordered shall be deemed to be a child not under proper control and may be brought before the Children's Court on a complaint to the effect to be dealt with in accordance with the provisions of this Act.

18. No information etc. against child without leave -
 (1) No information against any child or any complaint concerning any child shall be laid unless authority to lay the same is given by the Chairman or pursuant to section 13 (4) (c) of this Act.

(2) Where the authority of the Chairman is sought to the laying of any information or complaint as aforesaid he may instead of consenting to the same refer it to the Committee to be dealt with as a complaint under section 10 hereof.

PART III

CHILDREN'S COURTS

19. Children's Courts - There is hereby established a division of the High Court to be known as the Children's Court.

20. Appointment of Judge or Justice of Court - (1) The High Commissioner shall from time to time appoint a Judge or a Justice to exercise jurisdiction in the Children's Court and no Judge or Justice shall exercise such jurisdiction unless he is appointed so to do under this section:

Provided that any Judge or Justice may exercise jurisdiction for the purpose of doing all necessary acts preliminary to the hearing, including the adjournment of the hearing, remanding the defendant, or releasing him on bail; and the provisions of section 24 hereof shall apply to all such proceedings.

(2) Notice in the "Gazette" of the appointment of a person to exercise jurisdiction in a Children's Court shall be sufficient evidence of his authority so to do.

21. Proceedings specially affecting children - (1) Save as hereinafter in this section provided, all judicial proceedings of offences committed by children, or otherwise relating primarily to any child or children, whether such proceedings have arisen under this Act or not, shall so far as they may involve the attendance of children at any Court be heard and determined in the Children's Court established under this Act by a Judge or by a Justice appointed to exercise jurisdiction in that Court:

Provided that where a person other than a child is charged with the commission of an offence against a child such charge shall be heard and determined in the High Court sitting in its criminal jurisdiction notwithstanding the proceedings may involve the attendance of any child or children.

(2) No proceedings relating to a charge of murder or manslaughter brought against a child or any other person shall be heard in the Children's Court but all such proceedings shall be taken and heard as if the Children's Court had not been established.

(3) So far as is practicable persons attending any sittings of the Children's Court shall not be brought into contact with persons in attendance at any other Court: and for this purpose the sittings of the Children's Court shall not, except in cases where no other suitable room is available, be held in any room in which any other Court ordinarily exercises jurisdiction, nor shall a sitting of the Children's Court, if held in the same premises as any other Court, be held at a time when such other Court is sitting, if other arrangements can reasonably be made.

(4) Failure on the part of any Judge or Justice to comply with any of the provisions of this Part of this Act shall not invalidate any proceedings taken under this or any other Act.

22. Duty of parent or guardian to appear before Court - (1)

Where:

(a) A complaint is made in the Court by any constable or any community youth officer that any child is a neglected, indigent, or delinquent child, or is not under proper control or is living in an environment detrimental to his physical or moral well-being; or

(b) An information is laid against a child in respect of any offence;

any Judge or Justice may issue his summons addressed to any parent or guardian or custodian of the child requiring him to appear before the Children's Court with the child at a time to be named in the summons.

(2) If it appears to the Judge or Justice to whom a complaint is made under subsection (1) (a) hereof that the child in respect of whom the complaint is made is living in a place of ill-repute, or is likely to be ill-treated or neglected, or that for any other reason the child should forthwith be removed from his surroundings, the Judge or Justice may issue a warrant authorising any constable or community youth officer, or other person named in the warrant in that behalf, to take possession of the child. A warrant under this section may authorise any person named therein

to receive and hold such child until the complaint has been disposed of, or to make other satisfactory provision for the temporary maintenance and care of the child.

(3) For the purposes of executing any such warrant as last aforesaid any constable, community youth officer, or other person named in the warrant may enter and search any place, with or without assistance; and every person who resists or obstructs any person in the execution of the warrant, or who fails or refuses to afford to any person engaged in the execution of the warrant immediate entrance to any premises or to any part thereof, shall be guilty of an offence against this Act, and shall be liable on conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month.

(4) The complaint made under subsection (1) (a) hereof may be in the form number 3 in the Schedule hereto.

(5) Any parent, guardian or custodian or other person as aforesaid who is required to appear in the Children's Court by reason of his being summoned so to appear under this section may, at the hearing of the complaint or information, as the case may be, be examined in respect of the upbringing and control of the child.

(6) Every person commits an offence against this Act and is liable on conviction to a fine not exceeding fifty dollars who, being so required to appear in the Children's Court, refuses or fails, without lawful excuse, so to appear.

23. Court to obtain and consider report of community youth officer - (1) No judicial proceedings shall be heard or determined in the Children's Court unless and until a community youth officer has had an opportunity to investigate the circumstances of the case and to report thereon to the Court.

(2) It shall be the duty of every constable who lays any information in respect of an offence alleged to have been committed by a child, or makes any complaint or application in relation to any child forthwith to advise a community youth officer of the information, complaint or application.

(3) It shall be the duty of the Registrar of the Children's Court to which any proceedings have been removed from any other Court forthwith to advise a community youth officer of the subject matter of the proceedings and of the time when and the place where the matter will be dealt with by the Court.

(4) Where any child or young person is placed under the supervision of a community youth officer, a certified copy of the order shall forthwith be forwarded by the Registrar to the Minister.

24. Proceedings not open to the public - (1) No person shall be entitled or permitted to be present at the hearing of any proceedings in the Children's Court, save the following:

- (a) Any officer or member of the Court;
- (b) The persons immediately concerned with the proceedings;
- (c) The parents or guardians of any child in respect of whom the proceedings are taken, or any other person whom the Court may admit as the personal representative of the child;
- (d) Any community youth officer;
- (e) Any person representing a social welfare agency engaged in work for the benefit of children;
- (f) Any other person specially permitted or required by the Court to be present.

(2) Save with the special consent of the presiding Judge or Justice, it shall not be lawful for any person to publish a report of any proceedings taken before a Children's Court; and in no case shall it be lawful to publish the name of any child, or any other name or particulars likely to lead to the identification of the child.

(3) Every person who commits a breach of the subsection (2) of this section shall be guilty of contempt of Court, and shall be liable accordingly and in addition shall be liable on conviction to a fine not exceeding two hundred dollars.

25. Trivial offences - At any time after an information has been laid charging a child with any offence a Judge or Justice competent to exercise jurisdiction in the Children's Court in which such information would in the ordinary course be heard may require a community youth officer to furnish a report on the subject matter of the information, and if after considering such report the Judge or Justice is of the opinion that the matter is trivial he may discharge the information, and thereupon the information shall be deemed never to have been laid.

26. Special powers of the Court - (1) When an information is brought before the Children's Court charging a child with any offence, the Court shall hear and determine the charge and, if the charge is proven, may, after taking into consideration the parentage of the child, his environment, history, education, mentality, disposition, and any other relevant matters, place the child under the supervision of a community youth officer in the manner hereinafter provided.

(2) The Court may in dealing with a child under subsection (1) of this section and whether or not a supervision order is made, order his parents or guardians to pay any costs or damages incurred by or through the offence, and every such last-mentioned order may be enforced as if it were a fine.

(3) When a complaint is laid in the Children's Court under section 22 hereof, the Court shall hear the same and if satisfied as to the truth of the complaint, may place the child under the supervision of a community youth officer in the manner hereinafter provided.

(4) Notwithstanding anything hereinafter contained, where the prosecution of an information charging the child with any offence is commenced in the Children's Court, the Court at any time before a final decision thereon has been given, having regard to the gravity of the offence and the public interest, may decline to deal with the offence, and may endorse on the information a certificate to that effect.

(5) Where the Court declines under subsection (4) of this section to deal with an offence, the Court shall adjourn the information for hearing by the High Court sitting in its criminal jurisdiction to be dealt with in accordance with law.

(6) Where under subsection (5) of this section an information is adjourned for hearing to the High Court sitting in its criminal jurisdiction, that Court shall proceed to hear the information "de novo" as if the same had not previously been heard or otherwise disposed of.

27. Supervision orders - (1) The period of supervision fixed by any order made under this Part of this Act placing a child under the supervision of a community youth officer may be for a term not exceeding in all three years and such order may impose such conditions to be complied with by the child during his supervision as the Court thinks necessary for ensuring his good conduct or for preventing the commission by him of any offence and/or for the payment of any costs or damages incurred by or through the offence (if any) committed by the child.

(2) It shall not be necessary in any order to name any particular community youth officer as supervising officer and such officer may be specified by reference to his office only.

(3) An order placing a child under the supervision of a community youth officer may be in the form number 4 in the Schedule hereto.

28. Failure to comply with supervision order - If any child who has been placed under the supervision of a community youth officer fails to comply with or observe any instructions of the said officer or any conditions imposed upon him by that said officer with the Court, or if the community youth officer is not satisfied with the conduct of the child or with the conditions under which he is living, he may cause such child to be brought before the Children's Court and,

- (a) If the child was placed under supervision, pursuant to section 26 (1) of this act, the Court may direct that he be sentenced by the High Court sitting in its criminal jurisdiction for the offence for which he was placed under the order for supervision and the information relating thereto shall be adjourned to that said Court for that purpose: or
- (b) If the child was placed under supervision, pursuant to section 26 (3) of this act, the Court may make such further order for the maintenance, care and control of the child as may be necessary in the circumstances.

29. Review of supervision orders - Where an order has been made under this act placing a child under the supervision of a community youth officer for a fixed period, the community youth officer or the child or that child under his supervision for the time being or the child or a parent of the child or his guardian or the person who had custody or control of the child immediately before the order was made, may apply to the Children's Court for the review of that order, and on any such application the Court may, as it thinks proper:

- (a) If twelve months have elapsed since the date when the order was made, cancel the order as from such date as it thinks fit and subject to such conditions precedent (if any) as it thinks fit to impose: or
- (b) Refuse the application:
- Provided that, where any application made under this section by a person other than a community youth officer is refused, a further application under this section shall not be entertained from a person other than a community youth officer if made within six months after the date of the refusal.

30. Probation may follow supervision - (1) Where a Children's Court places any child under the supervision of a community youth officer, the Court may at the same time order that when the child attains the age of seventeen years he shall cease to be under the supervision of a community youth officer and shall thereforth be on probation for a period specified by the Court being a period of not less than one year nor more than two years.

- (2) Where a Court has ordered under subsection (1) of this section;
- (a) where a person shall be on probation;
- (a) The Registrar shall notify the Secretary for Justice and the probation officer in whose district the Court office is situated; and
- (b) The community youth officer, who has that person under his supervision when he attains the age of seventeen years, shall notify the probation officer in whose district that person then resides.

(3) The making of an order under subsection (1) of this section in respect of any child shall not prevent the supervision order relating to that child being reviewed under section 29 of this Act while that child is still under the supervision of a community youth officer, and, if on any such review that supervision order is cancelled then the order made under subsection (1) of this section shall be deemed to be cancelled.

31. Probation may be substituted for supervision - (1) Where a Children's Court has placed a child under the supervision of a community youth officer, the community youth officer who has that child under his supervision for the time being may apply to a Children's Court for the cancellation of the supervision order and the substitution thereof of an order placing the person on probation for a period specified by the Court, being a period of not less than one year nor more than two years, and on any such application the Court may, as it thinks proper, having regard to the behaviour of the person while he has been under the supervision of the community youth officer and any other circumstances of the case, either grant or refuse the application.

(2) Every order under this section cancelling a supervisor order and placing a person on probation shall take effect on the day on which it is made.

(3) Where any order is made under this section, the Registrar shall notify the Secretary for Justice and the probation officer in whose district the Court office is situated.

32. Conditions of probation - (1) Whenever any person is ordered to be on probation under this Act, the conditions set out in section 7 of the Criminal Justice Act 1967 except paragraph (a) of that section, shall apply.

(2) In addition to the conditions specified in subsection (1) of this section, any person on probation under this Act shall be subject to the condition that he shall report to a probation officer in the district in which he resides within forty-eight hours after the commencement of his term of probation.

(3) Every person on probation under this Act shall be under the supervision of a probation officer in whose district he resides for the time being, or such other probation officer as the Secretary for Justice may direct.

(4) The probation officer shall issue to every person on probation under this Act a probationary licence setting out the conditions which he is required to observe during the term of his probation.

33. Power to impose additional conditions - Where the Court orders that any person be on probation under this Act, the Court may in its discretion impose all or any of the conditions specified in paragraphs (e) and (i) of subsection (1) of section 8 of the Criminal Justice Act 1967.

34. Application of provisions of the Criminal Justice Act 1967 Sections 9, 10, 12, and 13 of the Criminal Justice Act 1967 shall apply to every person on probation under this Act with all necessary modifications as if he had been released on probation on the day on which the term of his probation began, including the following specific modifications, namely, that every application under the said section as applied by this section shall be made to the High Court in its criminal jurisdiction or a Children's Court, as the age of the person may require, and that the term of probation of every such person shall not be extended beyond the end of two years from the date on which the term began.

35. Notice of applications - (1) Where any application is made under section 29 of this Act by a person other than a community youth officer the person making the application shall give written notice of the application to the Minister:

Provided that the Court may at any time require the person making the application to give written notice of the application to such other persons as it thinks fit.

(2) Where any application is made under section 29 or section 31 of this Act by a community youth officer, he shall give written notice of the application to such of those persons as the Court thinks fit:

Provided also that, in the case of an application under section 31 of this Act, written notice of the application shall be given in every such case to the person to whom the application relates.

(3) Every person who is given notice of any application under section 29 or section 31 of this Act pursuant to the provisions of subsection (1) of subsection (2) of this section shall be entitled to appear, either in person or by counsel, and to be heard and to tender evidence on any matter relevant to the application.

36. Charges against young persons - (1) Where any young person over sixteen years of age and not more than seventeen years of age appears before the High Court in its criminal jurisdiction charged with any offence, the Court may, in its discretion, refer the case to the Children's Court, and thereupon the Children's Court shall have jurisdiction to deal with the case, and may deal with the person as charged in the manner provided by section 26 of this Act as if he were a child.

(2) In lieu of referring to a Children's Court, as hereinbefore in this section provided, any case in which a young person is charged with an offence, the High Court may make in relation to such young person any order that could be made by a Children's Court if the case were referred to such Court.

37. Children not required to give evidence on oath - In any proceedings before a Children's Court no child shall be required to give evidence on oath.

38. Provisions of this Part to supersede inconsistent provisions of other acts - In so far as the provisions of this Part of this Act are inconsistent with the provisions of any other Act relating to offences committed by children, or to the trial or punishment of children, the provisions of this Part of this Act shall prevail.

PART IV

APPEALS

39. Appeals - (1) Where any person is convicted of any offence under sections 11 (4), 14, 17 (1), 22 (6), 24 (3) of this Act the person convicted may appeal to a Judge of the High Court sitting in its criminal jurisdiction.

(2) Such appeal may be against the conviction; and the sentence passed on the conviction, or against the conviction only or against the sentence only.

(3) No appeal against conviction shall be brought until the person convicted has been sentenced or otherwise dealt with.

(4) The rules of the High Court (Amendment No.2) 1916 shall apply with the necessary modifications to appeals under this section.

PART V

MISCELLANEOUS

40. No Court fees payable - No Court fees shall be payable in respect of any proceedings under this Act.

41. In absence of evidence Court may fix age of child - If in any judicial proceedings under this Act the age of any child or young person is in question the Court shall, in the absence of sufficient evidence, fix the age of such child or young person, and the age so fixed shall for all purposes of this Act be deemed to be the true age of such child or young person.

42. Application of High Court Rules - Subject to the provisions of this Act, all proceedings under this Act are subject to the Rules of the High Court 1916 so far as applicable and so far as those rules are consistent with this Act provided that in such rules, and in so far as they do not extend, the practice and procedure of the Children's Court shall be such as the Court thinks in each case to be most consistent with natural and conviction.

43. Regulations :- (1) The High Commissioner may from time to time by Order in Executive Council make such regulations as may be deemed necessary or expedient for the purpose of giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power to make regulations conferred by this section, regulations may be made under this section –

- (a) Regulating the appointment and presenting the duties of community youth officers:
- (b) Prescribing forms of complaints orders and other instruments required for the purposes of this Act:
- © Presenting rules and regulating the practice and procedure of the Children's Court in all matters within the jurisdiction of such Court.

(3) All regulations made under this section shall be laid before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Legislative Assembly is then in session and if not in session shall be laid before the Legislative Assembly within twenty-eight days after the date of the next ensuing session.

SCHEDULE
FORM. 1

Section 10(2)PREVENTION OF JUVENILE CRIME ACT 1968Summons to Person Having Custody of Child

TO: (Name in full) of (Address) (Description).

Thereas a complaint has been made to the Juvenile Crime Prevention Committee that you have the custody of a child named (Name of child in full), and that the child is (here state briefly the nature of the complaint).

This is to command you to appear (with the said child) before the said Juvenile Crime Prevention Committee at _____ on the _____ day of _____ 19____ at _____ (a.m. or p.m. as the case may be) at which time the complaint will be considered with you.

This summons is issued pursuant to Section 10 of the Prevention of Juvenile Crime 1968.

Dated this _____ day of _____ 19____

Chairman
Juvenile Crime Prevention Section

NOTE: Section 14 of the Prevention of Juvenile Crime Act 1968 provides:

:"Every person commits an offence against this Act who having been served with a summons issued pursuant to section 10 hereof calling upon him to appear before the Committee, refuses or fails without lawful excuse so to appear and is liable on conviction to a fine not exceeding forty dollars".

FORM NO. 2Section 13 (4) (b)PREVENTION OF JUVENILE CRIME ACT 1968Conditions of conduct Ordered by the
Juvenile Crime Prevention Committee

TO: (Name in full) of (Address) (Description)

TAKE NOTICE that on the day of 19

the Juvenile Crime Prevention Committee having considered the Complaint against (you the said) or ((here state the name of the child) who is in your custody).

Hereby Orders that the following conditions be observed by you:

(here state conditions)

This Order is issued pursuant to Section 13 (b) of the Prevention of Juvenile Crime Act 1968 and shall take effect from the date of service on you until the day of 19 upon which date it will expire.

Dated at this day of 19

Chairman
Juvenile Crime Prevention Committee

NOTE Section 15 of the Prevention of Juvenile Crime Act provides:

- (1) Any person aggrieved by a notice served on him under section 13(4) hereof or by any condition set out therein may within fourteen days of the receipt thereof by him apply to the Children's Court for a revocation or variation of the same.
- (2) Notice of such application shall be served not less than seven days before the day of hearing thereof on the Chairman who shall be entitled to appear and be heard at such hearing.

Section 17 of the Prevention of Juvenile Crime Act 1968 provides:

- (1) Any parent, guardian or custodian of any child issued with a notice under section 13 (4) (b) hereof who fails to comply with the same or any of the conditions therein ordered shall be guilty of an offence against this Act and be liable on conviction in the Children's Court to a term of imprisonment not exceeding three months or a fine of two hundred dollars or both.
- (2) Any child issued with a notice under section 13 (4) (b) hereof who fails to comply with the same or any of the conditions therein ordered shall be deemed to be a child not under proper control and may be brought before the Children's Court on a complaint to that effect to be dealt with in accordance with the provisions of this Act.

* Delete the words not required.

FORM NO. 3

PREVENTION OF JUVENILE CRIME ACT 1968

Complaint under Subsection (1) (a) of Section 22 of the Act

I, (full name) of (Address, occupation) say on oath that I have just cause to suspect and do suspect that (Name in full) of (address) (Description), has the custody of a child named (Full name of Child), and that the said child is a neglected (*or indigent or delinquent) child (or is not under proper control) or (is being in an environment detrimental to its physical (or moral) well-being) within the meaning of subsection (1) (a) of section 22 of the Prevention of Juvenile Crime Act 1968.

(Signature of Complaint)

Sworn before me at

this day of

19

Justice of the Peace
Registrar of the High Court
of the Cook Islands

& Delete the words not required.

FORM No. 4

• Section 27(3)

THE PREVENTION OF JUVENILE CRIME ACT 1968
ORDER PLACING CHILD UNDER SUPERVISION OF
COMMUNITY YOUTH OFFICER

WHEREAS

Name of Child
Address
(hereinafter referred to as "the said child"), has
this day been brought before
the Children's Court at
.....

(1)(2) Delete the Statement which is inapplicable. (1) charged with the offence of
.....
(2) on a complaint that he is (3).....

(3) Describe the conditions of the child in such of the terms of Section 22(1)(a) of the Act as may be applicable.within
meaning of subsection (1) (a) of Section 22 of the
Prevention of Juvenile Crime Act 1968.

(4) Delete the words not required. AND WHEREAS I have heard and determined (4) the charge
(Complain) and such (4) charge (complaint) has been
Proved to my satisfaction:

AND WHEREAS I am satisfied that a Community Youth Officer has had an opportunity to investigate the
circumstances of the case and to report thereon to
the Court.

AND WHEREAS it has been proved to my satisfaction that
the said child was born on the:

.....day of19.....

NOW, THEREFORE, I do hereby place the said child under
the supervision of the Community Youth Officer at

.....for the period from the
.....day of19...
to theday of19...

.....
.....

Given under my hand at the Children's Court at
this.....day of19.....

Judge or Justice of the Peace
Authorised to exercise jurisdiction
in a Children's Court