

CHAPTER 20.

YOUNG OFFENDERS DETENTION.

[No. XI of 1909.]

[3rd April, 1909.]

Short title.

1. This Ordinance may be cited as the Young Offenders Detention Ordinance.

Power to
establish
labour
institution;

2. For the purposes of this Ordinance the Governor in Council may, by order to be published in the Gazette, establish a labour institution, (hereafter in this Ordinance called "the institution"), that is to say, a place in which young offenders whilst detained may be given the industrial training and other instruction, and be subjected to the disciplinary and moral influences conducing to their reformation and the prevention of crime.

to be under
control of
Inspector of
Prisons.

3. The institution shall be under the direction and control of the inspector of prisons.

Officers.

4. The Governor may appoint officers, instructors, and overseers for the institution.

Regulations.

5.—(1) The Governor and Legislative Council may make regulations (hereafter in this Ordinance called "the regulations") for all or any of the following matters, namely,—

- (a) the trades or employments which the inmates of the institution are to be taught and at which they are to be employed;
- (b) the discipline and management of the institution;
- (c) the classification of the inmates;
- (d) the clothing and diet of the inmates;
- (e) the establishment of a system of marks and of rewards for good conduct;
- (f) the remission for good conduct of part of the time for which an inmate has been sent to the institution;
- (g) the awarding of gratuities on discharge; and,
- (h) generally, for the better carrying out of the provisions of this Ordinance.

(2) Subject to the regulations, sections eleven, twelve, thirteen (a), (b) and (d), fourteen to twenty-one inclusive, forty-nine to fifty-eight inclusive, and sixty-seven to eighty inclusive, of the Prisons Ordinance, shall, so far as they are applicable, apply in the case of the institution as if it were an ordinary prison within the meaning of that Ordinance.

Chapter 32.

6. Where a person is convicted before the Supreme Court on indictment of any offence other than murder, or before a magistrate of any offence named in the schedule hereto after a previous conviction thereof, and it appears to that court or to the magistrate, as the case may be,—

Sentence of judge or magistrate of detention in institution : Schedule.

- (a) that the person is not less than sixteen nor more than twenty-five years of age, and
- (b) that, by reason of his antecedents, or mode of life, it is expedient that he should be subject to detention for the term and under the instruction and discipline appearing most conducive to his reformation and the repression of crime,

the judge or the magistrate, as the case may be, may, in lieu of sentencing him to the punishment provided by law for the offence of which he has been convicted, pass a sentence of detention under penal discipline in the institution for a term, where the conviction is before the Supreme Court, of not less than one year nor more than five years, and where the conviction has been before a magistrate, of not less than one year and not more than three years :

Provided that—

- (a) before passing that sentence the judge or the magistrate, as the case may be, shall be satisfied that the character, state of health, and mental condition, of the offender and the other circumstances of the case, are such that he is likely to profit by the instruction and discipline aforesaid; and
- (b) the sentence of the magistrate shall not be carried into effect until it has been approved by the Governor for the period fixed by the magistrate or for some shorter period, and if it is not so approved, the magistrate may sentence the offender to any punishment provided by law for the offence of which he was convicted.

Detention of youthful offenders.

7. Where a boy sentenced to detention in the government industrial school is convicted under any Ordinance before a magistrate of the offence of committing or inciting to, a breach of the rules of the school, or of escaping from the school, and the magistrate might under that Ordinance sentence the offender to imprisonment, the magistrate may, in lieu of sentencing him to imprisonment, sentence him to detention in the institution for a term not less than one year nor more than three years, and in that case the sentence shall supersede the sentence of detention in the government industrial school.

Order of detention.

8.—(1) The order of a judge or magistrate sending any person to the institution shall be in writing and shall specify the period for which the offender is to be detained in the institution, and may be in the form prescribed by the Governor.

Order authority for detention.

(2) The order shall be despatched to the superintendent with the offender, and shall be sufficient warrant for the conveyance of the offender thither and his detention in the institution.

Conveyance of offender to the institution.

9. Everyone sentenced to detention in the institution shall be taken to the institution by the police and may be detained in any prison or lock-up until he can be so taken.

Power to release on licence :

10.—(1) Subject to the regulations, the Inspector of Prisons may, at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, permit him by licence to be discharged from the institution on condition that he be placed under the supervision or authority of any society or person named in the licence willing to take charge of the case.

(2) A licence under this section shall, unless sooner revoked or forfeited, be in force until the term for which the offender was sentenced to detention has expired.

(3) Subject to the regulations, a licence under this section may be revoked at any time by the Inspector of Prisons, and where a licence has been revoked, the person to whom it related shall return to the institution, and, if he fails to do so, may be apprehended without warrant and taken thither.

(4) If a person absent from the institution under the licence escapes from the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, he shall be considered thereby to have forfeited the licence.

(5) The magistrate of the district in which the institution is situate or where the person is found may, on information on oath that the licence has been forfeited under this section, issue a warrant for his apprehension, and he shall, on apprehension, be brought before the magistrate who, if satisfied that the licence has been forfeited, may order him to be sent back to the institution.

(6) The time during which a person is absent from the institution under the licence shall be treated as part of the time of his detention therein :

Provided that where he has failed to return to the institution on the licence being forfeited or revoked, the time which elapses after that failure shall be excluded in computing the time during which he is to be detained in the institution.

Proviso.

(7) A licence under this section shall be in the form and contain the conditions prescribed by the regulations.

11. Anyone detained in the institution who wilfully refuses or neglects to conform to the regulations, shall, on summary conviction before a magistrate, be imprisoned, with or without hard labour, for any term not exceeding three months and, at the expiration of the term of his imprisonment, be brought back to the institution, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison.

Nonconformity with regulations.

Penalty.

12. Anyone detained in the institution who escapes therefrom at any time before the expiration of his period of detention may be apprehended without warrant and, if the superintendent thinks fit, then brought before a magistrate, and shall thereupon be liable, on summary conviction before the magistrate, to be imprisoned, with or without hard labour, for any term not exceeding three months; and, at the expiration of the term of his imprisonment, he shall be brought back to the institution, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

Escape.

Penalty.

Transfer of
undesirables
to prison.

13. Where a person detained in the institution is reported to the Governor by the Inspector of Prisons to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Governor may commute the unexpired residue of the term of detention to a term of imprisonment, with or without hard labour, determined by him, but in no case exceeding that unexpired residue.

Assisting or
inducing
person to
escape, or
harbouring.

14. Everyone who—

(a) knowingly assists, either directly or indirectly, or induces, either directly or indirectly, any person detained in the institution to escape therefrom; or

(b) knowingly harbours, conceals, or prevents from returning to the institution, any person who has escaped therefrom,

shall be guilty of an offence, and, on conviction thereof before a magistrate, shall be liable to a penalty not exceeding ninety-six dollars, or, at the discretion of the magistrate, to imprisonment, with or without hard labour, for any term not exceeding four months.

Penalty.

SCHEDULE.

SECTION 6.

Any offence under

title 4 (offences against the person);
title 6 (malicious injuries to property);
title 7 (larceny and similar offences);
title 11 (disorderly conduct);
title 12 (police offences); and

Chapter 13.

sections 146, 147, and 150 of title of the Summary Jurisdiction Offences Ordinance.
