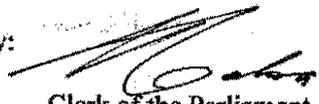
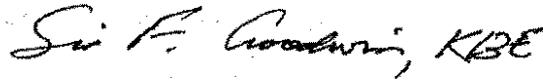


Examined and certified by:


 Clerk of the Parliament

 In the name and on behalf of Her Majesty Queen Elizabeth the Second I hereby assent to
 this Act this 27th day of June 2007


 Queen's Representative

ANALYSIS

- | | |
|---|--------------------------------|
| Title | |
| 1. Short Title | 3. Special powers of the Court |
| 2. No information against child without leave | 4. Arrest and custody |

2007, No. 16

An Act to amend the Prevention of Juvenile Crime Act 1968

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

1. Short Title - This Act may be cited as the Prevention of Juvenile Crime (Amendment) Act 2007, and shall be read together with and deemed part of the Prevention of Juvenile Crime Act 1968 (hereinafter referred to as "the principal Act").

2. No information against child without leave - Section 18 of the principal Act is hereby amended by adding after subsection (2), the following -

"(3) Where the Chairman is for any reason not available, or a sitting of the Committee cannot be convened, or the circumstances of the alleged offending so require, a complainant may lay an information in the High Court, and thereafter the matter shall be dealt with under Part III."

Price \$1.50

3. Special powers of the Court – Section 26 of the principal Act is amended by adding new subsections (7) and (8) as follows -

“(7) For the avoidance of doubt, the expression “according to law” in subsection 5, means that all of the provisions of the Crimes Act 1969, the Criminal Procedure Act 1981, the Criminal Justice Act 1967, and the Criminal Justice Amendment Act 1976 whether as to penalty or otherwise, shall apply to that child.

(8) Where under subsection (5) of this section an information is dealt with in the criminal division of the High Court, the Court may order a child’s parents or guardian, or the child, to pay to any person such sum as it thinks fit by way of compensation for loss or damage to property suffered by that person as the result of an offence, and may likewise make an order of restoration of property including money.”

4. Arrest and custody – (1) For the avoidance of doubt, sections 4 to 9 inclusive of the Criminal Procedure Act 1980-81, as to arrest, shall, subject to this Act, apply to children.

(2) Where a child has been arrested he or she may –

- (a) be released on bail by a constable pursuant to section 95 of the Criminal Procedure Act 1981 (as amended by the Criminal Procedure Amendment Act 2007), or
- (b) be remanded by the Court into the custody of a Community Youth Officer or of any reputable adult person;

subject in either case to the imposition of any condition that may be imposed under section 87 of the Criminal Procedure Act 1981 (as amended by the Criminal Procedure Amendment Act 2007).

(3) Where in any case in which such a child would not be bailable as of right, the Court may direct that the child be detained in a prison if in the opinion of the Court no other course is desirable, having regard to all the circumstances.

(4) Where a child is sentenced to a term of imprisonment pursuant to subsection (7) of section 3, or is remanded to a prison pursuant to subsection (3) of this section, the Superintendent of the prison shall make such arrangements as may be necessary to keep the child separate from adult inmates.

This Act is administered by the Ministry of Justice