

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

Revised Edition 2014

CHAPTER XLI

CHILDREN ORDINANCE

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CHILDREN ORDINANCE

An ordinance to provide for the care and protection of children

[10 July 2003]

PART I—PRELIMINARY

1. This ordinance may be cited as the Children Ordinance.

2.—(1) In this ordinance, unless the context otherwise requires—

child means a person under the age of [18] years;

guardian, in relation to a child, includes any person who, in the opinion of the Court having cognizance of any case in relation to the child or in which the child is concerned, has the indefinite charge of or control over the child;

intoxicating liquor means any liquor within the meaning of the [Sale and Use of Liquor Ordinance].

(Amended by Ordinance No. 7 of 2009)

(Amended by Ordinance No. 3 of 2014)

(2) For the purposes of this ordinance any child—

- (a) who, having no parent or guardian, or having a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations or is exposed to moral danger or beyond control; or
- (b) in respect of whom any offence mentioned in the Schedule to this ordinance has been committed or attempted to be committed; or
- (c) who is a member of the same household as a child in respect of whom such an offence has been committed; or
- (d) who is a member of the same household as a person who has been convicted of such an offence in respect of a child,

[may thereby be considered] to be in need of care or protection; and the fact that a child is found destitute or is found wandering without any settled place of abode and without visible means of subsistence or is found begging or loitering for the purpose of begging shall, without prejudice to the generality of the provisions of paragraph (a) of this subsection, be evidence that he or she is exposed to moral danger.

(Amended by Ordinance No. 1 of 2006)

3. The Governor may appoint a fit and proper person resident in the Islands to be the Children's Officer for the purposes of this ordinance.

Ordinances
No. 9 of 2003
No. 7 of 2009
No. 2 of 2014
No. 3 of 2014

Short title

Interpretation

Cap.26

Appointment of
Children's Officer

Places of safety and
children's homes

- 4.** The Governor may—
- (a) designate places of safety;
 - (b) establish a children's home,
- for the reception of children in need of care or protection.

PART II—OFFENCES AGAINST CHILDREN

Interpretation for
Part II

- 5.** For the purposes of this Part of this ordinance—
- (a) any person who is the parent or legal guardian of a child or who is legally liable to maintain the child shall be presumed to have the custody of him or her and [a parent] shall not be deemed to have ceased to have the custody of the child by reason only that he [or she] has deserted or otherwise does not reside with the child;

(Amended by Ordinance No. 2 of 2014)

- (b) any person to whose charge a child is committed by any person who has the custody of him or her shall be presumed to have charge of that child;
- (c) any other person having actual possession or control of a child shall, in the absence of proof to the contrary, be presumed to have the care of him or her.

Abuse of children

6.—(1) Every person who, having attained the age of seventeen years and having the custody, charge or care of any child wilfully abuses, ill-treats, neglects, abandons or exposes such child or causes or procures him or her to be abused, ill-treated, neglected, abandoned or exposed in a manner likely to cause that child suffering or injury to physical or emotional health (including any psychological or psychiatric disorder) shall be guilty of an offence and shall be liable—

- (a) on conviction on information before the Supreme Court to a fine not exceeding \$1000 or to imprisonment for any term not exceeding five years or to both such fine and imprisonment.
- (b) on conviction before the Magistrate's Court in its summary jurisdiction, to a fine not exceeding \$250 or to imprisonment for any term not exceeding two years or to both such fine and imprisonment.

(2) For the purposes of this section—

- (a) the parent or other person legally liable to maintain a child shall be deemed to have neglected him or her in a manner likely to cause injury to his or her health if, being able to do so, such parent or other person fails to provide adequate food, clothing, rest, medical aid or lodging for him or her;
- (b) where it is proved that the death of an infant under four years of age was caused by suffocation (not

being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of seventeen years and was at the time of going to bed under the influence of intoxicating liquor or any drug, then that other person shall be deemed to have neglected that infant in a manner likely to cause injury to the child's health;

- (c) any person having attained the age of seventeen years who gives or causes to be given, or sells or causes to be sold to any child under the age of twelve years, any intoxicating liquor except upon the order of a duly qualified medical practitioner or, in case of sickness, apprehended sickness, or other urgent cause, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child's health:
- (d) any person, having attained the age of seventeen years and having the custody, charge or care of any child under the age of seven years, who allows that child to be in any place containing any substance, appliance, tool, firearm, cutting instrument, poison, explosive or other dangerous article whatever, not sufficiently protected to guard against the risk of that child being injured, without exercising reasonable supervision against the risk, and by reason thereof that child is killed or suffers serious injury, shall be deemed to have neglected that child in a manner likely to cause injury to that child's health:

Provided that neither this paragraph, nor any proceedings taken thereunder, shall affect the liability of any person to be charged with manslaughter or any offence against the Offences against the Person Act 1861 of the United Kingdom.

(Amended by Ordinance No. 7 of 2009)

(3) A person may be convicted of an offence under this section—

- (a) notwithstanding that the actual suffering or injury to health or the likelihood of actual suffering or injury to health was obviated by the action of some other person;
- (b) notwithstanding the death of the child in respect of whom the offence is committed.

(4) Upon the trial of any person who has attained the age of seventeen years for infanticide or for the manslaughter of

a child of whom he or she has the custody, charge or care, it shall be lawful for the Court, if it is satisfied that he or she is guilty of an offence under this section to find him or her guilty of that offence.

Assault on a child

[7.—(1) Everyone who assaults any child is liable:

- (a) on conviction on information before the Supreme Court to imprisonment for a term not exceeding 5 years or to a maximum fine of \$1000 or to both; or
- (b) on conviction before the Magistrate's Court in its summary jurisdiction to imprisonment for a term not exceeding 2 years or to a maximum fine of \$250 or to both.

(2) The common law rules permitting the use of force for punishment of a child are abolished.]

(Repealed and replaced by Ordinance No. 7 of 2009)

Causing or encouraging the prostitution, etc. of girls

8.—(1) Any person who, having the custody, charge or care of a girl under the age of sixteen years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon her, shall be guilty of an offence and shall be liable on conviction to imprisonment for any term not exceeding five years.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge or prostitution of or commission of an indecent assault upon a girl who has been seduced, unlawfully carnally known or indecently assaulted, or who has become a prostitute, if he or she has knowingly allowed her to consort with or enter or continue in the employment of any prostitute or person of known immoral character.

Causing or allowing children to be in bars

9.—(1) The manager or other person in charge of any bar shall not allow any child at any time to be in the bar unless he or she is accompanied and adequately supervised by a person over the age of 18 years.

(2) Any person who acts in contravention of this section commits an offence punishable on summary conviction by a fine not exceeding, in respect of the first offence, \$25 and, in respect of any subsequent offence, \$100.

(3) In this section, the expression "bar" means any premises used for the sale and consumption of intoxicating liquor, whether habitually or on a specific occasion and includes any such place on a visiting ship or vessel.

Safety of children at entertainments

10.—(1) Where there is provided in any building or vessel an entertainment for children, or an entertainment at which the majority of persons attending are children, it shall be the

duty of the persons providing the entertainment to take all reasonable steps to station wherever necessary a sufficient number of attendants, being not less than eighteen years of age, to prevent more children or other persons being admitted to the building or vessel than the building or vessel can properly accommodate and to control the movement of the children and other persons admitted and to take all other reasonable precautions for the safety of the children.

(2) Any person failing to fulfil the obligations imposed on him or her by this section shall be guilty of an offence against this ordinance.

(3) Any police officer who has reason to believe that such an entertainment as aforesaid is being or is about to be provided in any building or vessel may enter therein to ascertain whether the provisions of subsection (1) are being complied with.

10A. It shall be the duty of all persons who have responsibility for the operation of workplaces:

- (a) to determine whether the operation of that workplace or the nature of the work involved is likely to harm the health, safety or morals of children, and if so determined to then ensure that no children are in that workplace; and
- (b) to comply with any instructions relating to the safety of a workplace given by or under the hand of a Constable.

Safety of children in workplaces

10B.—(1) A person who has responsibility for a workplace and who allows any child to be in that workplace in circumstances where that child is exposed to the risk of harm to his or her health and safety commits an offence punishable by summary conviction and is liable to a maximum fine of \$250 for a first offence and \$500 for any subsequent offence.

Exposing children to harm to health and safety

(2) In this Ordinance “workplace” means any place in which:

- (a) goods (including food) are manufactured for sale or trade;
- (b) construction of roads, buildings or other structures is being undertaken;
- (c) public work is being carried on under the Local Government Regulations;
- (d) heavy machinery is being used for any purpose— provided that no part of a private home shall be deemed a workplace on account of subparagraph (a) above unless it is a room or area set aside wholly for the manufacture of goods (including food) for sale or trade.]

(Inserted by Ordinance No. 7 of 2009)

PART III—PROTECTION OF CHILDREN

11.—(1) If it appears to a Magistrate on a complaint on oath laid by any person who, in the opinion of the magistrate, is acting in the interests of a child that there is reasonable cause to suspect—

Warrant to search for and remove child

- (a) that the child has been or is being abused, assaulted, ill-treated or neglected in a manner likely to cause that child unnecessary suffering; or
- (b) that an offence mentioned in the Schedule to this ordinance has been or is being committed in respect of the child,
the Magistrate may issue a warrant authorising any police officer—
 - (i) to search for the child and, if it is found that the child has been or is being abused, assaulted, ill-treated or neglected in any such manner or that any such offence has been or is being committed in respect of the child to take him or her and detain him or her in a place of safety; or
 - (ii) to remove the child with or without search to a place of safety and detain him or her there until the child can be brought before the Magistrate's Court.

(2) A Magistrate issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before the Magistrate's Court in order that proceedings may be taken against him or her according to law.

(3) Any police officer authorised by warrant under this section to search for any child or to remove any child with or without search may enter (if need be by force) any house, building, vessel or other place specified in the warrant and may remove him or her therefrom.

(4) The police officer executing any warrant issued under this section may be accompanied by the person laying the complaint if that person so desires and may also, if the Magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

12.—(1) A police officer may take to a place of safety any child in respect of whom any of the offences mentioned in the Schedule to this ordinance has been, or there is reason to believe has been, committed or who is, in accordance with the provisions of section 13, about to be brought before the Magistrate's Court.

Detention of child in place of safety

(2) Any child taken to a place of safety under this section and also any child who seeks refuge in a place of safety may there be detained until he or she can be brought before the Magistrate's Court and every child so detained shall be brought before the Court at the earliest practicable opportunity.

[12A. Every child taken to a place of safety in accordance with any provision of this ordinance shall be deemed to be lawfully in the interim care of the Children's Officer.]

(Inserted by Ordinance No. 1 of 2006)

13. The Children's Officer or any police officer may bring before the Magistrate's Court a child in need of care or protection.

Child in place of
safety in interim care
of Children's Officer

14.—(1) The Magistrate's Court before which any child is brought under section 13 or before which is brought any child in respect of whom any of the offences mentioned in the Schedule to this ordinance has been committed may, if satisfied that the welfare of the child so requires, make an order—

Power to bring
children before Court

(a)

(Revoked by Ordinance No. 1 of 2006)

- (b) committing him or her to the care of any fit person, whether a relative or not, who is willing to undertake the care of him or her; or
 - (c) requiring the parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
 - (d) placing him or her, either in addition to or without making, an order under paragraphs (b) or (c) of this subsection under the supervision of the Children's Officer.
- (2) (a) If the Court before which any child is brought is not in a position to decide whether any or what order ought to be made under this section, it may make such interim order as it thinks fit for the child's detention or continued detention in a place of safety or for his or her committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him or her.
- (b) Any interim order made under this subsection shall not remain in force for more than thirty days, but at any time within such period the Court may, if it considers it expedient to do so, make a further interim order; so, however, that in no case shall any interim order or orders made under this subsection remain in force for more than sixty days after the date of the first order.

Powers of Court

- (c) If the Court by which an interim order is made is satisfied on any occasion that, by reason of illness or accident, the child is unable to appear personally before the Court, any further interim order which the Court is empowered to make on that occasion may be made in the absence of the child.

[(3) (Revoked by Ordinance No. 1 of 2006)]

(4) Every order, other than an interim order, committing a child to the care of a fit person or placing him or her under the supervision of the Children's Officer shall, subject to the provisions of this ordinance, remain in force until the child attains the age of eighteen years.

(5) An order made under subsection (1) of this section may, on the application of the Children's Officer or any police officer, be varied or revoked by the Court and the Court may, on such application, make such order subject to the provisions of this ordinance in relation to the child as it considers necessary in the interests of the welfare of the child, which shall be paramount.

(6) The Court shall exercise its jurisdiction under this ordinance sitting in Chambers, or in Court in closed session, as may be appropriate.

15.—(1) Where a child is brought before a Court under section 13 of this ordinance the Court shall allow his or her parent or guardian to be heard, if they so wish, in opposition to the application for an order.

Power of parent to oppose application

(2) When the parent or guardian cannot be found or cannot in the opinion of the Court be reasonably required to attend, the Court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of this section.

16.—(1) The parent or guardian of a child may bring the child before the Court and where the parent or guardian proves to the Court that he or she is unable to control the child, the Court, if satisfied—

Refractory children

- (a) that it is expedient so to deal with the child; and
- (b) that the parent or guardian understands the results that will follow from and consents to the making of an order, may order the child
 - (ii) to be committed to the care of any fit person, whether a relative or not, who is willing to undertake the care of him or her; or
 - (iii) to be placed, either in addition to or without making any order under paragraphs (ii) of this subsection, under the supervision of the

Children's Officer.

(2) The provisions of subsections (4) and (5) of section 14 of this ordinance shall apply to an order made under this section as if it were an order made under subsection (1) of that section.

(Revoked by Ordinance No. 1 of 2006)

17.—(1) Where a person having the custody, charge or care of a child has been—

- (a) convicted, in respect of that child, of any of the offences mentioned in the Schedule to this ordinance; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards that child, by any Court,

Disposal of child by order of Court

that Court may order that child to be brought before the Magistrate's Court with a view to the Court making an order under section 14 of this ordinance and shall direct that the Children's Officer shall be informed as soon as practicable of the order made.

(2) Where any Court has, under this section, made an order directing that a child be brought before a Magistrate's Court, it shall be the duty of the Children's Officer to bring the child before the Court.

18. The person to whose care a child is committed by an order made under this ordinance shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of the child's maintenance as if he or she were a parent of the child and the child so committed shall continue in his or her care notwithstanding any claim by a parent or other person.

Rights and powers of fit persons

19. Where a Court makes an order under this ordinance placing a child under the supervision of the Children's Officer, the Children's Officer shall, while the order remains in force, visit, advise and befriend the child and, when necessary, endeavour to find him or her suitable employment and may, if it appears necessary to do so, at any time while the order remains in force bring him before a Court and that Court may, if it thinks it desirable and in the child's interests to do so, commit the child to the care of a fit person, whether a relative or not, who is willing to take care of him or her.

Supervision by Children's Officer

(Amended by Ordinance No. 1 of 2006)

20. Where a child is brought before a Magistrate's Court under the provisions of this ordinance the Court may in its discretion require the attendance of his or her parent or guardian and may make such orders as are necessary for the

Power of Court to
require attendance of
parent or guardian

purpose.

PART IV—MISCELLANEOUS

Contribution by
parent etc. towards
maintenance of child

21.—(1) Where an order has been made by a Magistrate’s Court committing a child to the care of a fit person, the Court which makes the order may at the same time or subsequently make an order (hereafter in this ordinance referred to as a “contribution order”) against the parent, guardian or other person liable to maintain the child, requiring him or her to contribute such weekly sum as the Court, having regard to his or her means, sees fit.

(2) A contribution order may, if the child is committed to the care of a fit person, be made on the application of that person.

(3) Where the child has been committed to the care of a fit person, contributions under this section shall be payable to that person to be applied by him or her in or towards the maintenance, or otherwise for the benefit, of the child.

(4) A contribution order shall remain in force, in the case of a child committed to the care of a fit person, so long as the order for his or her committal is in force.

(5) A contribution order shall be enforceable as an affiliation order and the law of England for the time being in force relating to the enforcement of affiliation orders shall apply so far as it is suitable and appropriate and subject to such qualifications as local circumstances render necessary.

(Amended by Ordinance No. 1 of 2006)

Escapes from fit
persons

22.—(1) A child who runs away from a person to whose care he or she has been committed under this ordinance may be apprehended by any police officer or the Children’s Officer and brought back to that person if that person is willing to receive him or her and if that person is not willing to receive him or her may be taken before a Magistrate’s Court which may make an order as if he or she had been brought before the Court as being in need of care or protection.

(2) Any person who knowingly assists or induces a child to run away from a children’s home or from a person to whose care he or she has been committed or harbours or conceals a child who has so run away or prevents him or her from returning shall be guilty of an offence against this ordinance.

(Amended by Ordinance No. 1 of 2006)

23. If any person legally liable for the care and maintenance of a child intends to leave the Islands without taking such child with him or her, the Governor may withhold the grant of a passport to such person until that person has satisfied him or her that the child is not likely, before he or

she reaches the age of sixteen years, to become a charge on public funds or to be exposed to moral danger or neglect by reason of lack of care and maintenance.

Governor may withhold passport where arrangements for care and maintenance of child inadequate

24. Any person guilty of an offence against this ordinance for which no special punishment is provided shall be liable on conviction to a fine not exceeding \$250 or to imprisonment for a term not exceeding six months and in the case of a continuing offence to a further fine not exceeding \$20 a day for each day on which the offence continues after conviction, beginning one calendar month after the date thereof.

General penalty

25. If it appears to a Court that any person having entered into a recognizance under section 14 of this ordinance has failed to comply with any of the conditions of that recognizance, the Court may adjudge the recognizance to be forfeited and the sum of money named therein to be payable by the parent, guardian or other surety and thereupon that recognizance may be enforced against such parent, guardian or other surety as if the sum of money named therein were a fine ordered to be paid by a Court of summary jurisdiction upon summary conviction of an offence.

Enforcement of recognizance

26. The Governor may make rules—

- (b) prescribing the forms to be used for any order made under this ordinance;
- (c) generally, for giving effect to the provisions of this ordinance.

(Amended by Ordinance No. 1 of 2006)

Rules

SCHEDULE

1. Any offence under sections 6, 7 or 8 of this ordinance.
2. Any offence under sections 27 or 56 of the Offences against the Person Act 1861 of the United Kingdom and any offence against a child under sections 42 or 43 of that Act.
3. Any offence against a child under sections 2 to 7, 10 to 16, 19, 20, 22 to 26 and 28 of the Sexual Offences Act 1956 of the United Kingdom and any attempt to commit an offence against a child under sections 2, 5 to 7, 10 to 12, 22 and 23 of that Act.
4. Any offence under section 1 of the Indecency with Children Act 1960 of the United Kingdom.
5. Any other offence involving physical or mental harm to a child.

**PITCAIRN, HENDERSON, DUCIE AND OENO
ISLANDS**

**NOTICE OF APPOINTMENT OF CHILDREN'S
OFFICER**

In exercise of the powers conferred by section 3 of the Children Ordinance I hereby appoint the person for the time being holding the office of Governor's Representative resident on Pitcairn Island to be the Children's Officer for the purposes of the said ordinance.

Richard T. Fell
Governor

Dated the 5th day of February 2004

**PITCAIRN, HENDERSON, DUCIE AND OENO
ISLANDS**

NOTICE OF DESIGNATION OF PLACE OF SAFETY

In exercise of the powers conferred by section 4(b) of the Children Ordinance I hereby designate the following premises

the residence of the Governor's Representative on
Pitcairn Island

as a place of safety for the purposes of the said ordinance.

Richard T. Fell
Governor

Dated the 5th day of February 2004

Children Ordinance

Cap. 41

CHILD SAFETY AND PROTECTION RULES 2006

Rules making detailed provision for implementing the care and safety of children in the Islands, made by the Governor in exercise of the powers conferred by section 26 of the Children Ordinance (cap.41)

1. These Rules may be cited as the Child Safety and Protection Rules 2006 and shall come into force on the day after they are made. Citation

2.—(1) In these rules, unless the context otherwise requires— Interpretation

family, in relation to a Family Meeting, means a group of persons comprising those persons related by birth, marriage or adoption and includes anyone with a significant emotional attachment to the child:

Ordinance means the Children Ordinance (cap.41); the terms and expressions defined in section 2(1) of the Ordinance shall bear the same meaning and interpretation in these rules;

Children's Officer and **place of safety** shall bear the same meaning and effect in these rules as they have in the Ordinance;

(2) For the purpose of section 11(1) of the ordinance any duly qualified social worker present in the Islands shall be deemed to be a person acting in the interests of a child for the purposes set out therein.

(3) The forms prescribed in the schedule to these rules shall be used in proceedings concerning the care and protection of any child to which they relate in the Magistrate's Court and all matters connected therewith. Such variation may be made in any prescribed form as the circumstances of any particular case may require

(4) Strict compliance with the prescribed forms is not necessary and substantial compliance, or such compliance as the particular circumstances of the case allow, is sufficient.

(5) Nothing in this subsection shall be construed as preventing the making of any application, or the granting of any order, in oral form if the urgency of the application or order so require. In any such case written record thereof must be made as soon as circumstances permit and filed in the registry of the Magistrate's Court together with such number of copies for service as the Magistrate shall direct.

Purpose of rules

3.—(1) The purpose of these rules is to give effect to the im-plementation of the ordinance.

(2) The principles which shall be applied at family meetings and in all proceedings under the ordinance shall be—

- i) that the welfare of a child shall be at all times regarded by the Court as the first and paramount consideration; the Court shall have regard to the conduct of any parent to the extent only that such conduct is relevant to the welfare of the child;
- ii) in the application of paragraph i) there shall be no presumption that the placing of a child in the custody of a particular person will, because of the gender of that person, best serve the welfare of the child;
- iii) for the purpose of any proceedings under the ordinance, the Court shall ascertain the wishes of the child, if the child is able to express them, and shall take account of them to such extent as the Court thinks fit having regard to the age and maturity of the child;
- iv) subject to the foregoing paragraphs of this subsection, wherever possible the views of the family of the child should be taken into account;
- v) the cultural heritage and environment of a child shall, wherever relevant to his or her welfare, be taken into account.

Proceedings to remove child to a place of safety

4.—(1) Every application for orders of the Court under section 11 of the ordinance shall be made on oath in accordance with Form A in the Schedule and in the case of urgent reasons to find or to remove any child to safety may be made orally in the first place.

(2) Any person wishing to make such an application may notify the Registrar or any Deputy-Registrar of his or her intention and the earliest possible communication shall be established for the purpose with an available Magistrate.

(3) In granting any such orders the Court shall make directions for service of the proceedings on such persons, and the time or stage of the proceedings at which such service should take place, having regard to the safety of the child in the known circumstances of the case.

Family meetings to be held in s.14 applications

5.—(1) In any proceedings before the Court under section 14 of the ordinance to secure the care or protection of a child, the Court shall enquire into the matter so far as it is possible and may call for a report or other evidence from any social worker able to assist the Court or any police officer having knowledge of the relevant facts.

(2) The Court shall make directions for service of the proceedings upon such members of the family as are available for the purpose that a Family Meeting be held in private and a further report made to the Court within 14 days or such further time as the Court may permit.

(3) The Family Meeting shall be attended by the Children's Officer, any social worker with knowledge of the case and any other professional persons specified by the Children's Officer who shall determine in every case whether or not the child the subject of the Meeting should attend. In appropriate cases the Children's Officer may seek the appointment by the Court of a legal practitioner to act as counsel for the child.

6.—(1) On the request of the Court the Governor shall appoint a duly qualified and experienced legal practitioner to represent the child in any proceedings whose fees and expenses shall be calculated in accordance with the Schedule to the Legal Aid Ordinance and submitted to the Registrar for approval and payment.

Counsel for child

(2) Counsel for the child shall attend the Family Meeting and shall appear on his or behalf at every sitting of the Court:

Provided that the Court may, on his or her application or of its own motion, excuse counsel from personal attendance and may receive his or her submissions or evidence, or evidence adduced by him or her, in whatever form or by use of live link television, as the Court may think fit.

(3) Counsel for the child may adduce evidence before the Court and may cross-examine witnesses called by any other party. At the stage of the proceedings when the Court has completed its enquiries, counsel for the child shall make his or her submissions and recommendation as to the making of any interim or permanent orders or other direction whatsoever.

(4) Upon its own motion or upon the submission of counsel for the child that it is necessary to do so, the Court shall have the same power as it would have under the laws of England to place the child under the guardianship of the Court. If made by the Island Magistrate the order shall be an interim order requiring the confirmation of a Senior Magistrate within one month and referred for that purpose by the Island Magistrate forthwith in the same manner as a request for advice or consultation under the provisions of subsection (2) of section 5 of the Justice Ordinance. If the confirmation of a Senior Magistrate is received within one month of the making of the interim order it shall continue in force until revoked but otherwise shall lapse.

7.—(1) Every Family Meeting shall be presided over by

Procedure at Family Meetings

the Children's Officer or any other person appointed by the Children's Officer.

(2) Notes of the meeting shall be kept by the chairperson and no other person.

(3) The statements and other evidence at the meeting shall be privileged and shall not be disclosed outside the meeting to any person.

Penalty: Fine of \$200.00

Procedure in
Magistrate's Court

8. All proceedings in the Court shall be held in camera. There shall be suppression orders in place as to the identity of the parties and the evidence and submissions before the Court, unless the Court otherwise orders. Any breach of this rule shall constitute contempt of Court.

(Rules 9, 10 and 11 deleted by reason of duplication with r.2 (3) and (4))

Form B

The Children Ordinance

(Sections 14 and 16)

In the Pitcairn Islands No. Ch /20
Magistrate’s Court
Held at

Order Committing Child to Care of Fit Person

To (a)

Whereas (b) a child, was brought before the Magistrate’s Court as being (c) [in need of care or protection] [beyond parental control]:

And whereas the said Court considered it expedient and in the best interests of the welfare of the said child to make an order committing him/her to the care of a fit person who is willing to undertake the care of him/her:

This, therefore, is to authorise and command you, (a), to receive the said (b)into your custody and keep him/her in accordance with the provisions of the Children Ordinance, 2003 until he/she attains the age of sixteen years or until this order is varied or revoked.

It is hereby declared that -

- (i) the age of the said child is (d) years months, having been born on
- (ii) his/her religious persuasion is

Dated thisday of, 20

Magistrate

- (a) Insert full name of fit person
- (b) Insert full name of child
- (c) Delete whichever is inapplicable
- (d) Insert age and date of birth of child

Form C

The Children Ordinance 2003

(Section 14)

In the Pitcairn Islands No. Ch /20
Magistrate’s Court
Held at

Recognizance to Exercise Proper Care and Guardianship of Child

(a) of (b)being the (c)
.....of (d), acknowledges that he/she
owes to our Sovereign Lady the Queen the sum of (e)
payment thereof to be enforced against him/her by due process of law if
he/she fails to comply with the condition endorsed hereon.

Taken before me thisday of, 20

Magistrate

Condition

The condition of this recognizance is that whereas (d)
was this day found by the Magistrate’s Court to be a child in need of care
or protection by reason of the failure of (a) to exercise
proper care and guardianship of him/her:

If, therefore, the said (a)exercises proper care
and guardianship of the said (d) and in particular
(e), then this recognizance shall be void but
otherwise shall remain in full force.

- (a) Insert full name of person entering into recognizance
- (b) Insert address of person entering into recognizance
- (c) Insert father, mother or guardian, as the case may be
- (d) Insert full name of child
- (e) Insert sum of money payable
- (f) Insert any particular conditions to be observed

Form F

The Children Ordinance 2003

(Section 21)

In the Pitcairn Islands

No. Ch /20

Magistrate’s Court

Held at

Contribution Order

Whereas an order committing (a), a child to (b) the care of a fit person was on the (c)made by the Magistrate’s Court:

And whereas [(d), the fit person to whose care the said child was committed,] has made application for a contribution order:

It is hereby ordered that (e), being the (f) of the said child, shall pay to (g)the sum of (h) each week to be applied in accordance with the provisions of the Children Ordinance, the first of such payments to be made on (i) , so long as the said child remains in the care of [such fit person], or until this order is varied or revoked.

Dated the day of, 20

Magistrate

- (a) Insert full name of child
- (c) Insert date committal order made
- (d) Insert full name of fit person
- (e) Insert full name of person by whom contribution payable
- (f) Insert status of person by whom contribution payable
- (g) Insert the name of the fit person
- (h) Insert amount to be paid each week
- (i) Insert date of first payment