

RODRIGUES JUVENILE OFFENDERS REGULATIONS 1965

GN 90/1965

Section 158 [Act 35/98] - 22 October 1965

COURTS ACT- RODRIGUES, ST BRANDON AND AGALEGA

1. Short title

These regulations may be cited as the **Rodrigues Juvenile Offenders Regulations 1965**.

2. Definition

In these regulations-

"Child" means a person under the age of fourteen years;

"Magistrate" means the Magistrate exercising jurisdiction in Rodrigues;

"young person" means a person who has attained the age of fourteen years and is under the age of seventeen years.

3. Restrictions on punishment of children and young persons

- (1) A child shall not be sentenced to imprisonment or to penal servitude for any offence or be committed to prison in default of payment of a fine, damages or costs.
- (2) A young person shall not be sentenced to penal servitude for any offence.
- (3) A young person shall not be sentenced to imprisonment for any offence, or be committed to prison in default of payment of a fine, damages or costs, if he can be suitably dealt with in any other way whether by recognizance to be of good behaviour and to appear for sentence when called upon, committal to an Industrial School, or otherwise as provided by these regulations or by any law applicable to Rodrigues.
- (4) A young person sentenced to imprisonment or committed to prison in default of payment of a fine, damages or costs, shall not, as far as practicable, be allowed to associate with adult prisoners.

4. Method of dealing with persons of sixteen years and under

- (1) Where a person is found guilty of an offence punishable by fine or imprisonment or both and the age of such person is proved not to exceed sixteen years or does not, in the absence of positive proof, appear to the Magistrate to exceed sixteen years, the Magistrate shall take into consideration the manner in which, under these regulations and under the provisions of any law applicable to Rodrigues, the case should be dealt with and may dispose of the case in any of the following ways-

- (a) by discharging the offender without passing sentence after cautioning the said offender; or
 - (b) by discharging the offender on his entering into a recognizance to be of good behaviour and to appear for sentence when called upon; or
 - (c) by committing the offender to an Industrial School in Mauritius; or
 - (d) by sentencing the offender to pay a fine, damages or costs; or
 - (e) by sentencing the parent or guardian of the offender to pay a fine, damages or costs; or
 - (f) by ordering the parent or guardian of the offender to give security for his good behaviour;
or
 - (g) where the offender is a young person, by sentencing him to imprisonment; or
 - (h) by dealing with the case in any other manner in which it may be legally dealt with.
- (2) If the Magistrate decides to commit the offender to an Industrial School in Mauritius, the period of detention to which the offender shall be sentenced shall be not less than three years or longer than five years:

Provided that when the offender is over thirteen years of age the maximum period of detention in an Industrial School to which he may be sentenced shall not exceed that which might elapse between the date of his conviction and that on which he shall attain the age of eighteen years.

5. Transfer of detainee

- (1) Where a person is sentenced to detention in an Industrial School, the Magistrate shall transfer such detainee to any ship selected by him and shall issue a warrant in the form set out in Part I of the Schedule to these regulations directing the Master of such ship to take charge of and convey the said detainee to Mauritius and there to deliver up the said detainee to the Commissioner of Prisons and directing the Commissioner of Prisons to receive, take charge of and keep the said detainee in an Industrial School until the expiration of the term of detention.
- (2) Any person undergoing a period of detention in an Industrial School in Mauritius under subsection (1) of this regulation shall immediately before the expiration of the period of detention be sent back to Rodrigues at the expense of Government and for that purpose the President shall have power to issue a warrant in the form set out in Part 2 of the Schedule to these regulations.

Amended by [Act No. 48 of 1991]

6. Saving

These regulations shall not affect, in so far as they are applicable to Rodrigues, the provisions of Part XII of the Criminal Procedure Act relating to the absolute and conditional discharge of offenders and the provisions of the Reform Institutions Act 1988.

Amended by [Act No. 35 of 1988]

7. [Spent]

SCHEDULE

PART I

(regulation 5(1))

WARRANT UNDER THE RODRIGUES JUVENILE OFFENDERS REGULATIONS 1965, FOR THE TRANSFER TO AND DETENTION IN MAURITIUS OF A PERSON SENTENCED TO DETENTION IN AN INDUSTRIAL SCHOOL

RODRIGUES-

To

The Master of the M. V.and the Commissioner of Prisons, Mauritius.

Whereas one.....was duly convicted before me,Esq, Magistrate for Rodrigues, on the.....of.....19.....and sentenced to be detained in an Industrial School in Mauritius for a period of..... ;

Whereas it is now expedient and necessary to transfer the said detainee from Rodrigues to Mauritius, there to undergo his period of detention;

These are, therefore. in the President's name to command you the said Master of the M.Vto take charge of the above named detainee on board your ship, to convey the said detainee to Mauritius and there to deliver up the said detainee to the Commissioner of Prisons, and you the said Commissioner of Prisons, to receive, take charge of and keep the said detainee in an Industrial School until the expiry of his aforesaid period of detention, or until delivery from your custody by due course of law.

And for so doing this shall be your sufficient warrant.

Given under my hand this.....day of.....19.....

[The Constitution]

PART II
(regulation 5(2))

**WARRANT UNDER THE RODRIGUES JUVENILE OFFENDERS REGULATIONS, 1965, FOR THE RETURN OF A
DETAINEE TO RODRIGUES BEFORE THE EXPIRATION OF HIS PERIOD OF DETENTION**

Mauritius

To

The Superintendent Industrial Schools and to the Master of M. V.

Whereas one.....was duly convicted before the Magistrate for Rodrigues, on
the.....of.....19.....and ordered to be detained at an Industrial School in Mauritius;

And whereas the said period of detention expires on the.....of.....19..... ;

These are, therefore, in the President's name to command you the said Superintendent or any officer deputed
by you to remove immediately before the expiration of the period of detention the said detainee from an Industrial
School, and to deliver up the said detainee to the Master of the M. V. for his return to Rodrigues and you
the said Master to take charge of the said detainee on board your ship and to convey and return him to Rodrigues.

And for so doing, this shall be your sufficient warrant.

Given under my hand this.....day of.....19

President

Amended by [Act No. 48 of 1991]