

Seychelles

Children Act

## Children Act (Juvenile Court) Rules Statutory Instrument 52 of 1982

Legislation as at 11 July 2016

FRBR URI: /akn/sc/act/si/1982/52/eng@2016-07-11

There may have been updates since this file was created.

PDF created on 21 February 2024 at 19:55.

*Collection last checked for updates: 30 June 2014.*

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.  
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Children Act (Juvenile Court) Rules  
 Contents

Rule 1. – Citation ..... 1

Rule 2. – Attendance ..... 1

    Paragraph (a) ..... 1

    Paragraph (b) ..... 1

    Paragraph (c) ..... 1

    Paragraph (d) ..... 1

Rule 3. – Restriction on report of proceedings ..... 1

    Subrule (1) ..... 1

        Paragraph (a) ..... 1

        Paragraph (b) ..... 1

    Subrule (2) ..... 1

    Subrule (3) ..... 1

Rule 4. – Custody of children not given bail ..... 1

    Subrule (1) ..... 1

        Paragraph (a) ..... 1

        Paragraph (b) ..... 1

        Paragraph (c) ..... 1

    Subrule (2) ..... 2

Rule 5. – Remand or committal to Juvenile Centre ..... 2

    Subrule (1) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

    Subrule (2) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

            Subparagraph (i) ..... 2

            Subparagraph (ii) ..... 2

    Subrule (3) ..... 2

Rule 6. – Procedure in Juvenile Court ..... 2

    Subrule (1) ..... 2

    Subrule (2) ..... 2

    Subrule (3) ..... 2

    Subrule (4) ..... 2

    Subrule (5) ..... 2

Paragraph (a) .....	2
Paragraph (b) .....	2
Subrule (6) .....	2
Subrule (7) .....	2
Subrule (8) .....	2
Paragraph (a) .....	2
Paragraph (b) .....	3
Paragraph (c) .....	3
Paragraph (d) .....	3
Subrule (9) .....	3
Paragraph (a) .....	3
Paragraph (b) .....	3
Rule 7. – Attendance of parent .....	3
Subrule (1) .....	3
Subrule (2) .....	3
Subrule (3) .....	3
Rule 8. – Decisions of the Juvenile Court .....	3
Subrule (1) .....	3
Subrule (2) .....	3
Subrule (3) .....	3
Rule 9. – Clerk to the Juvenile Court .....	3
Rule 10. – Notice etc. of the Juvenile Court .....	3
Rule 11. – Appeals .....	3
Subrule (1) .....	3
Subrule (2) .....	3



# Seychelles

## Children Act

### Children Act (Juvenile Court) Rules

#### Statutory Instrument 52 of 1982

Not commenced

*[This is the version of this document at 11 July 2016.]*

*[S.I 52 of 1982; S.I 60 of 1984]*

#### 1. Citation

These Rules of Court may be cited as the Children Act (Juvenile Court) Rules.

#### 2. Attendance

In a Juvenile Court no person other than

- (a) the members and officers of the court;
- (b) the parties to the case and their legal practitioners;
- (c) a parent or guardian of the child; and
- (d) other persons directly concerned in this case,

shall, except by leave of the Court, be allowed to attend.

#### 3. Restriction on report of proceedings

- (1) No person shall publish the name, address, school, photographs of any particulars likely to lead to the identification of a child concerned in the proceedings before the Juvenile Court whether

- (a) as a person against or in respect of whom the proceedings are taken; or
- (b) as a witness,

except with the permission of the Court or in so far as required by the provisions of the Act or these Rules.

- (2) In subrule (1) "publish" includes publication in a newspaper or sound or television broadcast.
- (3) A person who contravenes subrule (1) is guilty of an offence and is liable to a fine of R. 5000.

#### 4. Custody of children not given bail

- (1) Where a person apparently under 18 years of age having been apprehended is not released under section 24 of the Criminal Procedure Code, the police officer to whom that person is brought shall cause him to be detained in a Juvenile Centre or removed to a place of safety until he can be brought before a Court, unless the police officer certifies that

- (a) it is impracticable to do so; or
- (b) that person is of so unruly or depraved a character that he cannot be safely so detained; or
- (c) by reason of that person's state of health or of his mental or bodily condition it is inadvisable to so detain him.

- (2) The certificate by the police officer under subrule (1) shall be produced to the court before which the person is brought.

## 5. Remand or committal to Juvenile Centre

- (1) Subject to subrule (2), a court on remanding or committing for trial a child who is not released on bail, shall, instead of committing him to prison commit him to a Juvenile Centre named in the commitment, to be there detained
  - (a) for the period for which he is remanded; or
  - (b) until he is thence delivered in due course of law.
- (2) A court on remanding or committing for trial a young person who is not released on bail may commit him to prison or to a place of safety if
  - (a) no place in a Juvenile Centre is available; or
  - (b) the court certifies that the young person
    - (i) is of so unruly a character that he cannot be safely so committed; or
    - (ii) is of so depraved a character that he is not a fit person to be so detained.
- (3) A committal under subrule (1) may be varied or revoked, and if it is revoked the child or young person may be committed under subrule (2).

## 6. Procedure in Juvenile Court

- (1) Where a child is brought before a Juvenile Court for any offence the Court shall as soon as possible explain to him in simple language the substance of the alleged offence.
- (2) The Court shall then ask the child whether he admits the offence.
- (3) Notwithstanding that the child admits the offence, the Court shall in any case where the child is not legally represented then hear the evidence of the witnesses in support of the case.
- (4) At the close of the evidence in chief of each witness, the Court shall, if the child is not legally represented, ask the child, and the child's parent or guardian if present in Court, whether he wishes to put any questions to the witness.
- (5) if in any case where the child is not legally represented, the child, instead of asking questions by way of cross examination,
  - (a) wishes to make a statement; or
  - (b) makes assertion,he shall be allowed to do so and the Court shall then put to the witness such questions as it thinks necessary on behalf of the child and may for this purpose question the child in order to bring out or clear up any point arising out of those assertions:

Provided that where the Court puts any questions to a witness under this subrule, the prosecution shall have the right to re examine the witness on the answers to those questions.
- (6) If it appears to the Court that a sufficient case is made out the evidence of any witness for the defence shall be heard and the child shall be allowed to give evidence or make a statement.
- (7) If the Court is satisfied that the offence is proved, the child shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise,
- (8) Before deciding how to deal with the child, the Court shall obtain such information as to his
  - (a) general conduct;

- (b) home surroundings;
- (c) school record; and
- (d) medical history,

as may enable it to deal with the case in the best interests of the child, and may put to him any question arising out of that information.

- (9) For the purpose of obtaining information under or for special medical examination of observation, the Court may
  - (a) from time to time remand the child on bail or to a Juvenile Centre so, however, that he appears before a court at least once in every 21 days; or
  - (b) request the Director to submit to it a report on the child and his social background.

## **7. Attendance of parent**

- (1) A Juvenile Court may in its discretion require the attendance of the parent or guardian of the child.
- (2) The Court may make orders necessary for the purposes of subrule (1).
- (3) A person who contravenes an order under subrule (2) is guilty of an offence and is liable to a fine of R. 1000.

## **8. Decisions of the Juvenile Court**

- (1) Subject to subrules (2) and (3), the opinion of the majority of the members of the Juvenile Court shall be decisive upon any question before the Court.
- (2) When any charge is to be heard, the Chief Justice shall nominate a Judge or a Magistrate, as the case may be, to be a member of the Juvenile Court and such Judge or Magistrate shall determine questions of law arising before or after the commencement of the hearing.
- (3) A Judge or a Magistrate nominated pursuant to subrule (2) may exercise any power vested in the Court not involving a decision as to the commission of the offence, the penalty or the method of dealing with the case.

## **9. Clerk to the Juvenile Court**

The Registrar of the Supreme Court shall be the Clerk of the Juvenile Court and he may delegate his powers to any of the staff that he deems fit.

## **10. Notice etc. of the Juvenile Court**

All notices, summonses and orders purporting to be signed by the Clerk or his delegate shall be deemed to be issued by the Juvenile Court.

## **11. Appeals**

- (1) Subject to any necessary modifications, the provisions of sections 295 to 312 of the Criminal Procedure Code shall apply with respect to appeals from the Juvenile Court to the Supreme Court as they apply with respect to appeals from the Magistrates' Court to the Supreme Court.
- (2) If a Judge sits as a member of a Juvenile Court an appeal to the Supreme Court shall be heard by a Bench of not less than two Judges.