

THE CHILDREN BILL, 2007

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of this Bill is to repeal and replace the 1925 Children Act, Chap. 46:01.

Part I- Preliminary

Clauses 1 and 2 would provide for the short title and interpretation, in particular with respect to the latter clause, including the definitions “touching” “sexual” and “sexual penetration of a child”.

Clause 3 would provide for the guiding principles for parents in relation to children and describe the rights and responsibilities of children.

PART II-Prevention of cruelty to children

Clause 4 would provide for the offence of cruelty to children while clause 5 would provide for the offence of suffocation of infants under three years of age whilst a person over the age of sixteen years was in bed or in any other place of rest with that infant.

PART III- Offences in relation to begging, risk of burning, firearms and ammunition

Clause 6 would provide for the offence of begging the burden of proof is on the person so charged, once it is proved that the child was in a street, premises or place for any of the purposes outlined in subsection.

Clause 7 would provide for the offence of exposing children to the risk of burning and would make a distinction in the penalties between harm and serious or grievous bodily harm.

Clause 8 would provide for the offence of injury or death by a firearm or ammunition while clause 9 would provide for the offence of giving, selling or renting firearm to a child.

PART IV- Abuse of children through prostitution

Clause 10 would provide for the offence of allowing children to frequent in brothels while not affecting the liability of such a person to be charged under section 21 of the Sexual Offences Act.

Clause 11 would provide for the offence of causing, encouraging or favouring the seduction, prostitution or unlawful carnal knowledge of a child and would provide for recognisances if the offence is committed with the knowledge of a parent or guardian of the child.

Clause 12 would provide specifically for the offence of intentionally obtaining for himself or another the sexual service preceded by the promise of payment while clause 13 would provide for the offence of causing or inciting a child to become a prostitute in any part of the world. Further, clause 14 and 15 would provide for the offences of controlling a child prostitute in any part of the world and arranging or facilitating child prostitution in any part of the world, respectively. Clause 17 would provide for the definition of prostitute.

PART V- Other sexual offences

This Part would provide for other sexual offences where the perpetrator is eighteen years and over, fourteen and under eighteen and under fourteen. In addition, notwithstanding the penalties, the Court has the power to make alternative orders including an order for counselling. Further, a person between the ages of sixteen years and eighteen years is not guilty of the offence if the child on whom he perpetrated the offence is less than two years older than he is, and that child consents.

Clause 17 would provide penalties for the offence of sexual penetration of any child, ie male or female, under the age of fourteen while clause 18 would provide penalties for the offence of sexual penetration of a child who is fourteen but under eighteen years of age.

Clause 19 would provide for the offence of “touching” as defined in the Bill with a child who is under eighteen years and the person does not reasonably believe that the child is eighteen years and over and also with a child under fourteen years of age. It provides different penalties where the touching amounts to sexual penetration as opposed to other cases.

Clause 20 would provide for the same offence but where it is perpetrated by persons in the position of trust as defined in the Bill. There are stricter penalties for this offence than for the offence simpliciter, though there is a rebuttable presumption that the

person knew he was in a position of trust. Similarly, clause 21 would provide for the same offence but committed by persons in familial relationships as defined by the bill. Again, there are stricter penalties than the simpliciter offence and in both positions of trust and familial relationships there are stiffer penalties where the touching amounted to sexual penetration as defined in the Bill.

Clauses 22 to 24 would provide for the offences of causing or inciting a child to engage in sexual activity in the simpliciter, in positions of trust and in familial relationships respectively.

Clauses 25 to 27 would provide for the offences of engaging in sexual activity in the presence of a child in the simpliciter, in positions of trust and in familial relationships, respectively.

Clauses 28 to 30 would provide for the offences of causing a child to watch a sexual act in the simpliciter, in positions of trust and in familial relationships. Clause 34 would provide for child sex offenders in a similar manner as clause 22.

Clauses 31 to 33 would provide for the offences of meeting a child following sexual grooming in the simpliciter, in positions of trust and in familial relationships. Clause 38 would provide for child sex offenders in a similar manner as clause 22.

Clause 34 would define positions of trust for the purposes of the Bill while clause 35 would provide the interpretation of those positions.

Clauses 36 and 39 would provide for exemptions in the case of marriage for certain clauses and where the sexual relationships predates the position of trust, respectively.

Clauses 40 to 41 would provide the definition of familial relationships for the purposes of the Bill.

Clauses 42 to 43 would provide for orders for the welfare of the child victim and determinants of sentencing for child offenders, respectively.

Part VII- Offences relating to tobacco and alcohol

Clause 44 would provide for the offence of exposing children to dangerous drugs while clause 45 would provide for the offence of giving or causing a child to be given dangerous drugs except upon the order of a medical practitioner,

Clause 46 would provide for the offence of using a child or causing a child to be used, or using a child or causing a child to be used as a courier in order to sell, purvey or deliver dangerous drugs while clause 47 would provide for a similar offence in the furtherance of trafficking in dangerous drugs.

Clause 48 would provide for the offence of using a child or causing a child to be used, or using a child or causing a child to be used as a courier in order to sell, buy, purvey or deliver alcohol or tobacco.

Clause 49 would provide for an offence where a person sells any tobacco products or alcohol to a child.

Clause 50 would give a police officer power to forfeit tobacco products or alcohol from any child who he reasonably believes to be in possession of either of these items or which is being consumed by the child.

Clause 51 would give the Court power to make an order against any owner of any automatic machine used for the sale of tobacco products or a person on whose premises the machine is being kept, where such machine is being used by a child.

Clause 52 would require every vendor of tobacco products to display at all times in a prominent place a sign which states that the sale of tobacco products is prohibited to individuals under the age of eighteen years. Clause 53 would make a similar requirement of a vendor of alcohol.

Clause 53 would provide an exemption to a person who was at the time of an offence in this Part employed by a manufacturer of or dealer in tobacco products or alcohol. Either wholesale or retail, for the purposes of his business. Clause 55 would provide an interpretation for this Part.

Part VII- Child pornography, trafficking for sexual exploitation

Clause 54 would provide for the offence of child pornography while sections 57 to 60 would provide for the offences of exposing a child to child pornography; causing or inciting child pornography; controlling a child involved in pornography and arranging or facilitating child pornography.

Clause 61 to 63 would provide for the offences of trafficking into, within and out of Trinidad and Tobago, respectively, while section 64 would provide for the interpretation and the jurisdiction to which these offences apply.

Part VII- Arrest of offenders and provisions for the safety of children

Clause 66 would give a police officer the power of arrest without a warrant where an offence has been committed under Parts II to VII or in the First Schedule anyone who is guilty of an offence or anyone whom he has reasonable cause for suspecting to be guilty of it if he has reasonable grounds for believing that such person will abscond or the name and address of such person are unknown to the police officer and cannot be ascertained. However, an officer of the rank of inspector or above shall unless in his belief the release of such person on bail would tend to defeat the ends of justice or cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on bail accordance with the Bail Act, subject to a duty to appear before a Magistrate's Court at such time and place as the officer appoints

Clause 67 would provide for the taking of a child to a place of safety by a police officer, a person referred to in section 71(1) (a) or any person authorized by a Court where any offence under Parts II to VII or any of the offences mentioned in the First Schedule has been or there is reason to believe has been or is likely to be committed and such persons should notify the Authority forthwith.

Clause 68 would provide for arrangements for a child by order of the Court where a person having custody, charge or care of a child has been convicted of committing an offence under Parts II to VII or any of the offences mentioned in the First Schedule in respect of a child, or has been committed for trial for any such offence or bound over to keep the peace towards such child.

Clause 69 would provide for the maintenance and control of the child who is placed in the care of a person under an order of the Court.

Clause 70 would require that the Court take into consideration the religious persuasion of persons into whose care a child is to be placed when making an order under clause 69.

Clause 71 would provide that the Court require the attendance before it for any parent or guardian where a complaint on oath is made by a public officer experienced or qualified in social work; an employee or a person employed on contract by the Government, experienced or qualified in social work or a person who is in the opinion of the Court is acting in the interest of the child where a child has suffered or is suffering or is likely to suffer such harm so as to cause concern for the welfare of that child.

Clause 72 would provide for the interpretation of "fit person" in this Part.

Part IX- Evidence and Procedure

Clause 73 would provide for Part II of the Evidence Act to apply to proceedings against any person for an offence under Parts II to VII of the Act, or for any offence mentioned in the First Schedule.

Clause 74 would provide the Court with special powers for the child, against whom an offence under Parts II to VII or in the First Schedule, has been committed, to give evidence in the form of a deposition, electronic audio recording, video recording or computer aided transcription, or to have the child appear from a remote location by video conferencing.

Clause 75 would provide for the admissibility of the deposition and recorded evidence referred to in Clause 74, without further proof, on the evidence of a duly qualified practitioner or the Director of Public Prosecutions that the attendance before the Court of any child in respect of whom an offence is alleged to have been committed would involve a danger to the life or physical, mental or psychological health of the child or place the child at risk of harm.

Clause 76 would provide for the admissibility of video recording evidence of an interview between an adult, who is not the accused, or one of the accused and a child, subject to exceptions under subsection (3).

Clause 77 would provide for the cross-examining of a child by means of an electronic device linking the voice and imagery of the child witness.

Clause 78 would provide for child witness to be called as a witness where a video recording is given in evidence.

Clause 79 would provide for video recorded evidence to be treated as direct oral testimony.

Clause 80 would provide for children under the age of ten to give unsworn evidence in criminal proceedings but the unsworn evidence of a child may not be corroborated solely by the unsworn evidence of another child. Notwithstanding this an accused person may be convicted on the uncorroborated evidence of a child provided that the Court warns the jury of the danger of convicting the accused on the uncorroborated unsworn evidence of a child.

Clause 81 would provide for the Rules Committee established by the Supreme Court of Judicature Act to make Rules of Court for the purposes of the operation of sections 76 to 79 but subject to negative resolution of Parliament.

Clause 82 would provide for the interpretation of certain words for the purposes of sections 76 to 79.

Clause 83 would provide for the power of a Court to proceed with and determine a case with respect to offences under Parts II to VII and in the First Schedule in the absence of the child, once the Court determines that the child's presence is not essential.

Clause 84 would provide for the mode of charging offence and limitation of time in respect of two or more children.

Part VIII – Youthful Offenders

Clause 85 would provide for bail, in accordance with the Bail Act, of an offender under the age of eighteen years, where the offender cannot be brought forthwith before a Court.

Clause 86 would provide for the custody of an offender under the age of eighteen years through the Children's Authority not discharged on bail after arrest.

Clause 87 would provide for the disassociation of a child from an adult other than a relative, while that child has been placed in a Police Station.

Clause 88 would provide that the Court order that the child who has been remanded or committed for trial be placed in a Community Residence named in the order for the period for which he is remanded or until he is brought before the Court or in certain circumstances the Court may commit the child to prison.

Clause 89 would provide for the attendance of a parent or guardian of a child during court proceedings, if he can be found and resides within reasonable distance.

Clause 90 would provide the Court with power to order the parent to pay any fine, damages or costs if a child is charged and brought before a Court, with an offence that attracts a fine, damages or costs.

Clause 91 would provide for the parent to show cause why he should not be required to pay a fine in addition to that which is paid by the child where the child is convicted of an offence and the Court is of the view that the parent of the child has failed to take reasonable steps to ensure that the child does not commit the offence,

Clause 92 would provide for a limitation of costs so ordered to be paid pursuant to clause 90.

Clause 93 would provide for methods of dealing with children charged with offences.

Clause 94 would provide for restrictions on the sentencing of children under fourteen and over fourteen to imprisonment. However, if the child is over fourteen and in default of payment of a fine, damages or costs he may be sentenced to prison if he is unruly or of a depraved character and if so shall not be allowed to associate with adult prisoners

Clause 95 would provide that death sentence shall not be pronounced on or recorded on against a person convicted of an offence if at the time when the offence was committed he was under the age of eighteen years of age. In lieu of the death penalty children under fourteen can be sentenced to legal custody in a Community Residence or if over fourteen years of age may be imprisoned.

Clause 96 would provide for a child to be placed in a place of detention where that child is convicted on indictment of an attempt of murder, or manslaughter, or of wounding with intent to do grievous bodily harm, and the Court believes that the punishment in this Act is not sufficient.

Clause 97 would provide for the discharge and detainment of a child placed pursuant to the directions of the Court, under sections 93(2) 94(2) and 95 (1) .

Clause 98 would provide that a child so committed to a place of detention is deemed to be in the legal custody of that institution and if he escapes shall be brought back to the same

Clause 99 would empower the Court to make orders to provide parents or guardians with access to the child offender.

Clause 100 would empower the Minister on the advice of the Authority to make rules pertaining to the places of detention and the children in whose legal custody they are.

Clause 100 would provide that Parliament provide monies for any expenses incurred by the Commissioner of Police in respect of any place of detention.

Clause 101 would provide for procedures with respect to a Juvenile Court.

Clause 102 would provide for the retention of the right of a parent or such other persons having lawful control or charge of a child to administer reasonable punishment to such a child.

Part IX – Restrictions on Employment of Children

Clause 103 would provide for the interpretation of Part V of this Act. Clause 104 would provide for the President to define industrial undertakings. Clause 105 would provide for restrictions on employers from employing a person under eighteen years of age at night in any industrial undertaking. Similarly, clause 106 would provide for restrictions on employers from employing a child under the sixteen years of age.

Clause 107 would provide for employers to keep, register and maintain person under eighteen years of age. Similarly, clause 108 would provide for authorizing inspectors. Clause 109 would provide for powers of entry for inspectors.

Clause 110 would provide for an offence where a parent or guardian willfully or habitually neglects to prevent the employment of a child under sixteen years of age.

Clause 111 would provide for an offence where an agent or employee employs a child under sixteen years of age.

Clause 112 would provide for an offence by the parent or guardian where a false or forged certificate of age is produced for employment of a child under sixteen years of age, with their knowledge.

Clause 113 would provide for the presumption of age under this Part, if the alleged child was under sixteen years of age when the offence was committed. Clause 114 would provide for a penalty of summary conviction for any offence committed under this Part.

Part X – Miscellaneous and General

Clause 115 would provide for the Court to conduct an *in camera* hearing for any proceedings in relation to an offence against decency or morality.

Clause 116 would provide for prohibiting children from being present in court during any proceedings.

Clause 117 would provide for provisions for governing presumptions and determination of age within this Act.

Clause 118 would provide for the recovery of penalties under this Act, or where otherwise expressly provided.

Clause 119 would provide for the Rules Committee to make rules for this Act.

Clause 120 would provide for the transitional provision.

Clause 121 would provide for the repeal of the Children Act.

A BILL

An Act relating to the protection of children and for matters related thereto.

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:-

PART I PRELIMINARY

Short title 1. This Act may be cited as the Children Act, 2007.

Interpretation 2. In this Act—

“audio-digital recording” means an audio recording taken with digital equipment and stored on non-rewritable digital media accompanied by timed annotations identifying speakers;

“Authority” means the Children’s Authority established under the Children’s Authority Act;

“child” means a person under the age of eighteen years;

“child pornography” includes-

(a) a photograph, film, video or other visual representation, whether or not it was made by electronic, mechanical or artistic means-

(i) that shows for a sexual purpose a person who is or depicted as being under eighteen years of age engaging in or is depicted as engaging in explicit sexual activity or conduct; or

(ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ or the anal region of a person under eighteen years of age or depicted as being under eighteen years of age; or

(b) any written material or visual representation which advocates or counsels sexual activity with a person under eighteen years of age except counselling or education on reproductive health;

Act No. 64
of 2000

“Children’s Home” means a residence for the care and rehabilitation of children;

Act No. 65 of
2000

“Community Residence” includes a Children’s Home or Rehabilitation Centre licensed under the Children’s Community Residences, Foster Care and Nurseries Act;

“dangerous drugs” has the meaning assigned to it in the Dangerous Drugs Act;

Act No. 40 of
1991

“guardian” in relation to a child or youthful offender, 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 or youthful offender has for the time being the charge of or control over the child or youthful offender;

“inspector” means a person designated as such under section 108;

“juvenile court” means a criminal court where charges against a youthful offender who has attained the age of thirteen years but under eighteen years of age are heard;

“legal guardian” in relation to an infant, child, or youthful offender, means a person appointed, according to law, to be his guardian by deed or will, or by order of a Court of competent jurisdiction;

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“Magistrate” includes, in relation to proceedings in the Family Court, a Family Court Master under the Family Court Act;

“Minister” means the Minister to whom responsibility for social services is assigned;

“place of safety” means a reception centre of the Children’s Authority, a Children’s Community Residence, any place appointed by the Authority to be a place of safety for the purpose of the Act, or any hospital or other suitable secure place, the occupier of which is willing temporarily to receive a child;

“public place” includes any public park, garden, wharf, jetty, street or bus terminus, and any ground or place to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Rehabilitation Centre” means a residence for the rehabilitation of youthful offenders established by the Children’s Community Residences, Foster Care and Nurseries Act;

“sexual”, in relation to this Act, means penetration, touching or any other activity which a reasonable person would consider that-

- (a) whatever its circumstances or any person's purpose in relation to it, it is because of its nature, sexual; or
- (b) because of its nature or its circumstances or the purpose of any person in relation to it, it is sexual;

“sexual activity” for the purposes of this Act includes penetration, touching or any other activity which a reasonable person would consider is, by its nature, sexual, whatever the circumstances or any person’s purpose in relation to it;

“sexual penetration of a child” includes -

- (a) the insertion of a penis or other body part or other object into a child’s anus or vagina;
- (b) the insertion of a person’s penis into a child’s mouth;
- (c) the insertion by the child into a person’s anus or vagina, a part of the child’s body or any object;
- (d) insertion of a child’s penis into a person’s mouth;
- (e) placing of a person’s vagina on the mouth of a child; and

“sexually penetrates” is construed accordingly;

“street” has the meaning assigned to it in the Highways

Act;

“touching” includes bringing into contact any part of a person’s body with a part of another person’s body or any other object;

"vagina" includes vulva;

“video digital recording” means a video recording taken with digital equipment and stored on non-rewritable digital media;

“video recording” means any recording on any medium from which a moving image may by any means be produced, whether or not accompanied by a sound track; and

“youthful offender” means a child who is charged with or convicted of committing an offence.

Guiding Principles Second Schedule

3. (1) The guiding principles describing the rights and responsibilities of parents in relation to their children are set out as Parts A and B respectively, of the Second Schedule.

(2) The guiding principles describing the rights and responsibilities of children are set out as Parts C and D respectively, of the Second Schedule.

PART II PREVENTION OF CRUELTY TO CHILDREN

Punishment for cruelty to children

4.(1) A person over sixteen years of age, who has the custody, charge, or care of any child and wilfully assaults, ill-treats, neglects, abandons, or exposes the child or causes or procures the child to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause the child unnecessary suffering or injury to his physical, mental or emotional health, that person commits an offence and is liable -

- (a) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for two years; or
- (b) on conviction on indictment, to a fine of fifty thousand dollars and to imprisonment for five years.

- (2) For the purposes of -
- (a) subsection (1), a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, he fails to provide adequate food, clothing, medical aid or lodging for the child; or
 - (b) this Part, an offence under this section is referred to as the offence of cruelty.

- (3) Notwithstanding –
- (a) that actual suffering or injury to health, or the likelihood of such suffering or injury to health was obviated by the action of another person; or
 - (b) the death of the child in relation to whom the offence is committed,

a person may be convicted of an offence under this section, either summarily or on indictment.

(4) Where it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, then in the case of a -

- (a) summary conviction, the Court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge; or
- (b) conviction on indictment, the Court may, in its discretion, either increase the amount of the fine under this section so that the fine does not exceed twenty thousand dollars or, in lieu of awarding any other penalty under this section, sentence the person to imprisonment for twelve years.

(5) A person is deemed to be directly or indirectly interested in a sum of money under this section if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(6) A copy of a policy of insurance certified by an officer or agent of the insurance company granting the policy to be a true copy, shall, in any proceedings under this section be *prima facie* evidence that the child or young person therein stated to be insured has been in fact so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

Suffocation of infants

5. Where it is proved that the death of an infant under three 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, or by any other cause whilst the infant was in bed or in any other place of rest with some other person over sixteen years of age, and that the other person was at the time of going to bed under the influence of drink, dangerous drugs or other substances having a similar effect, that other person shall be deemed to have neglected the infant in a manner likely to cause injury to his health within the meaning of section 4, commits an offence and is liable-

- (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for six months; or
- (b) on conviction on indictment, to a fine of ten thousand dollars and to imprisonment for two years.

PART III
OFFENCES IN RELATION TO BEGGING, RISK OF BURNING,
FIREARMS AND AMMUNITION

Begging

6.(1) A person who-

- (a) causes or procures any child ; or
- (b) having the custody, charge, or care of a child, allows that child, to be in any street, premises, or other place for the purpose of –
 - (i) begging or receiving alms; or
 - (ii) inducing the giving of alms,

whether or not there is any pretence of singing, playing, dancing, performing, offering anything for sale, or otherwise, commits an offence and is liable on

summary conviction, to a fine of two thousand dollars and to imprisonment for six months.

(2) Where a person having the custody, charge, or care of a child is charged with an offence under this section, and it is proved that the child was in any street, premises or other place for any such purpose stated in subsection (1), the person charged is presumed to have allowed the child to be in the street, premises or other place for that purpose stated in subsection (1) and the burden of proving that the person charged under subsection (1) did not cause, procure or allow the child to be in the street, premises or other place lies with that person, unless the contrary is proved.

Exposing children to risk of burning

7.(1) Where a person who has the custody, charge or care of a child fails to take reasonable precaution to protect the child from the risk of being burnt or scalded, and the child is injured or harmed, that person commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(2) Where the child referred to in subsection (1) is killed or suffers serious or grievous bodily harm the person having custody, charge, or care of the child commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for ten years.

(3) Nothing in this section shall be taken as preventing proceedings from being brought against any person in respect of an indictable offence under any written law.

Injury or death by firearms or ammunition

8.(1) A person who has the custody, charge or care of any child and who allows that child to have access to a loaded firearm or to an unloaded firearm and ammunition not sufficiently protected to guard against the risk of the child being injured or injuring another person, without taking reasonable precautions against that risk, and by reason thereof the child is injured or harmed or injures or harms another person, the person who has custody, charge or care of the child commits an offence and is liable on summary conviction, to a fine of ten thousand dollars.

(2) Where the child is killed or suffers serious or grievous bodily harm, or injures or kills another person, as a consequence of the circumstances referred to in subsection (1), that person having custody, charge, or care of the child commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for twenty years .

(3) Nothing in this section shall be taken as preventing proceedings

from being brought against any person in respect of an indictable offence under any written law.

Giving, selling, lending or renting of firearm to child

9.(1) Where any person gives, sells, lends or rents to any child a firearm and the child is killed or suffers serious or grievous bodily harm, or injures or kills another person with that firearm, that person commits an offence and is liable on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for twenty years .

(2) Nothing in this section shall be taken as preventing proceedings from being brought against any person in respect of an indictable offence under any written law.

PART IV ABUSE OF CHILDREN THROUGH PROSTITUTION

Allowing children to be in brothels

10.(1) A person having the custody, charge or care of a child who allows that child to reside in or to frequent a brothel, commits an offence and is liable-

- (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for six months; or
- (b) on conviction on indictment, to a fine of ten thousand dollars and to imprisonment for five years;

No. 27 of 1986

(2) Nothing in this section shall affect the liability of a person to be indicted under section 21 of the Sexual Offences Act, but upon the trial of a person under that section, the jury may, if satisfied that the accused is guilty of an offence under this section, find the accused guilty of such offence.

Causing, encouraging, or favouring seduction or prostitution or unlawful carnal knowledge of a child

11.(1) A person having the custody, charge or care of a child who causes or encourages the seduction, prostitution or unlawful carnal knowledge of that child commits an offence and is liable on conviction on indictment, to imprisonment for life.

(2) For the purpose of this section, a person is deemed to have caused or encouraged the seduction, prostitution or unlawful carnal knowledge of a child, who has been seduced, has become a prostitute or has been unlawfully carnally known, if he knowingly allowed the child to consort with, or to enter or

continue in the employ of any prostitute or person who controls prostitutes or is of known immoral character.

Binding over persons having custody of child

(3) Where it is shown to the satisfaction of a Court, on the complaint of any person, that a child is, with the knowledge of the parent or guardian of the child, exposed to the risk of seduction or prostitution or of being unlawfully carnally known or living a life of prostitution, the Court shall bring the child to the attention of the Authority and may –

(a) order that the parent or guardian of the child enter into a recognizance for a period of not more than eight years to exercise due care and supervision in respect of the child ,and,

Chap. 4:20

(b) make a supervision order under the Children’s Authority Act

(4) The provisions of the Summary Courts Act with respect to recognisances to be of good behaviour (including the provisions as to the enforcement thereof) shall apply to recognisances under this section.

Paying for sexual services of a child

12.(1) Where a person intentionally obtains for himself or any other person the sexual services of a child and -

(a) before obtaining those services, makes or promises payment for those services to the child or a third person, or knows that another person has made or promised such payment;

(b) the child is fourteen years of age or over but under eighteen years of age, and the person does not reasonably believe that the child is eighteen years of age or over; or

(c) the child is under fourteen years of age,

he commits an offence and is liable-

(i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or

(ii) on conviction on indictment, to imprisonment for fifteen years.

(2) Where a person who is fourteen years of age or over but under eighteen years of age intentionally obtains for himself or any other person the

sexual services of a child and -

- (a) before obtaining those services, makes or promises payment for those services to the child or a third person, or knows that another person has made or promised such payment;
- (b) the child is fourteen years of age or over but under eighteen years of age, and the person does not reasonably believe that the child is eighteen years of age or over; or
- (c) the child is under fourteen years of age,

he commits an offence and is liable-

- (i) on summary conviction, to a fine of twenty thousand dollars and to detention for five years; or
- (ii) on conviction on indictment, to detention for fifteen years.

(3) Where a person who under fourteen years of age intentionally obtains for himself or any other person the sexual services of a child and -

- (a) before obtaining those services, makes or promises payment for those services to the child or a third person, or knows that another person has made or promised such payment;
- (b) the child is fourteen years of age or over but under eighteen years of age, and the person does not reasonably believe that the child is eighteen years of age or over; or
- (c) the child is under fourteen years of age,

he commits an offence and is liable-

- (i) on summary conviction, to a fine of five thousand dollars and to detention for two years; or
- (ii) on conviction on indictment, to detention for three years.

(4) In this section, "payment" includes the discharge of an obligation to pay or the provision of goods or services.

(5) Notwithstanding subsection (1), where a person commits an offence under this section against a child under fourteen years of age and sexual penetration is involved, he is liable on conviction on indictment to imprisonment for life.

(6) Notwithstanding subsection (1), a person who commits an offence under this section where -

- (a) the child is fourteen years of age or over but under eighteen years of age;
- (b) sexual penetration is involved; and
- (c) the person does not reasonably believe that the child is eighteen years of age or over;

is liable on conviction on indictment, to imprisonment for life.

(7) Nothing in this section shall affect the liability of a person to also be charged or indicted under Part V of this Act, and upon the trial of a person under that Part, the Court or the jury may, if satisfied that the accused is guilty of more than one offence under this Act, find the accused guilty of more than one offence.

(8) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that the child was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

(9) Notwithstanding the penalties imposed in respect of the offences under subsections (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;

- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court, or
- (f) make any other order as the Court may deem fit.

Causing or inciting prostitution

13.(1) Where a person intentionally causes or incites a child to become a prostitute in any part of the world and-

- (a) the child is under eighteen years of age and the person does not honestly believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable-

- (i) on summary conviction, to a fine of thirty thousand dollars and to imprisonment for ten years; or
- (ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that the child was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

Controlling a child prostitute

14.(1) Where a person intentionally controls any of the activities of a child relating to that child's prostitution in any part of the world, and-

- (a) the child is under eighteen years of age and the person

does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

he commits an offence is liable -

(i) on summary conviction, to a fine of thirty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that the child was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

Arranging or
facilitating child
prostitution

15. (1) Where a person intentionally arranges or facilitates the prostitution of a child in any part of the world, and -

(a) the child is under eighteen years of age, and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

he commits an offence and is liable -

(i) on summary conviction, to a fine of thirty thousand dollars; or to imprisonment for ten years; and

(ii) on conviction on indictment, to imprisonment twenty five years.

(2) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that the child was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

Definition

16. In sections 11 to 16 "prostitute" means a person who, whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to that person or a third person; and "prostitution" shall be construed accordingly.

PART V
OTHER SEXUAL OFFENCES

Sexual penetration of a child under fourteen

Sexual
penetration of a
child under
fourteen by a
person eighteen
years and over,
a child over
fourteen but
under eighteen
and a child
under fourteen

17.(1) A person eighteen years of age and over who intentionally sexually penetrates a child under fourteen years of age commits an offence and is liable on conviction on indictment to imprisonment for life.

(2) A child fourteen years of age or over but under eighteen years of age who intentionally sexually penetrates a child under fourteen years of age commits an offence and may be liable on conviction on indictment to detention for life.

(3) A child under fourteen years of age who intentionally sexually penetrates a child under fourteen years of age commits an offence and may be liable-

- (a) on summary conviction, to a fine of twenty thousand dollars and detention for five years; or
- (b) on conviction on indictment, to detention for fifteen years.

(4) Notwithstanding the penalties imposed in respect of offences under subsections (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the child be referred to counseling;
- (d) order that no conviction be recorded;

- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

Sexual penetration of a child fourteen and over but under eighteen

Sexual penetration of a child under fourteen and over by a person eighteen years and over, a child over fourteen but under eighteen and a child under fourteen

18.(1) A person eighteen years of age and over who-

- (a) intentionally sexually penetrates a child fourteen years of age or over but under eighteen years of age; and
- (b) does not reasonably believe that the child is eighteen years of age or over,

commits an offence and is liable on conviction on indictment to imprisonment for life.

(2) A child fourteen years of age or over but under eighteen years of age who-

- (a) intentionally sexually penetrates a child fourteen years of age or over but under eighteen years of age; and
- (b) does not reasonably believe that the child is eighteen years of age or over,

commits an offence and is liable on conviction on indictment to detention for life.

(3) A child under fourteen years of age who-

- (a) intentionally sexually penetrates a child fourteen years of age or over but under eighteen years of age; and
- (b) does not reasonably believe that the child is eighteen years of age or over,

commits an offence and may be liable –

(i) on summary conviction to a fine of twenty thousand dollars and detention for five years; or

(ii) on indictment to detention for fifteen years.

(4) Notwithstanding the penalties imposed in respect of offences under subsections (2) and (3) the Court may -

(a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;

(b) order that the offender be referred to counselling;

(c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;

(d) order that no conviction be recorded;

(e) order that the proceedings be sealed and not divulged without an order of the Family Court; or

(f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that that person was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

(6) Notwithstanding subsections (1) (2) and (4), a person between the ages of sixteen and twenty one years of age is not guilty of an offence under section 18 if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

Sexual touching of a child

Sexual touching
of a child where
perpetrator is
eighteen years

19. (1) Where a person eighteen years of age or over intentionally touches a child and the touching is sexual and either-

and over, a child over fourteen but under eighteen and a child under fourteen which involves sexual penetration and other than penetration

(a) the child is fourteen years and over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

the person commits an offence and is liable -

(c) where the touching involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and

(d) in any other case-

(i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years ; or

(ii) on conviction on indictment, to imprisonment for fifteen years.

(2) Where a child fourteen years and over but under eighteen years of age intentionally touches a child and the touching is sexual and either-

(a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

the person commits an offence and is liable -

(c) where the touching involved sexual penetration of the child, on conviction on indictment, to detention for life; and

(d) in any other case-

(i) on summary conviction, to a fine of twenty thousand dollars and to detention for five years ; or

(ii) on conviction on indictment, to detention for fifteen years.

(3) Where a child under fourteen years of age intentionally touches a

child and the touching is sexual and either-

- (a) the child is fourteen years and over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

the person commits an offence and is liable -

- (c) where the touching involved sexual penetration of the child,
 - (i) on summary conviction to a fine of twenty thousand dollars and detention for five years, or
 - (ii) on indictment to detention for fifteen years; and
- (d) in any other case-
 - (i) on summary conviction, to a fine of twenty thousand dollars and to detention for five years; or
 - (ii) on conviction on indictment, to detention for ten years.

(4) Notwithstanding the penalties imposed in respect of the offences under subsections (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded
- (e) order that the proceedings be sealed and not divulged

without an order of the Family Court; or

(f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that that person was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

(6) Notwithstanding subsections (1) (2) and (4), a person between the ages of sixteen and twenty one years of age is not guilty of an offence under section 18 if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

Sexual touching of a child by persons in positions of trust

Sexual touching
by persons in
positions of trust

20.(1) Where a person intentionally touches a child and the touching is sexual, and he is in a position of trust in relation to the child pursuant to section 34(1) (b), (c), (d) and (e), and the person knows or could reasonably be expected to know that he is in a position of trust in relation to the child and-

(a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

he commits an offence and is liable -

(c) where the touching involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and

(d) in any other case-

(i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years ; or

(ii) on conviction on indictment, to imprisonment for

twenty-five years.

(2) Where the person who commits an offence under this section is fourteen years or over but under eighteen years of age he is liable –

- (a) where the touching involved sexual penetration of the child, on conviction on indictment, to detention for life; and
- (b) in any other case-
 - (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years; or
 - (ii) on conviction on indictment, to imprisonment for twenty-five years.

(3) Notwithstanding subsection (2) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

(4) Where in proceedings for an offence under this section -

- (a) it is proved that the defendant was in a position of trust in relation to the child pursuant to section 34(1) (b), (c), (d) or (e); and
- (b) it is not proved that he was in such a position of trust by

virtue of other circumstances,

it is presumed that the defendant knew or could reasonably have been expected to know of the circumstances by virtue of which he was in such a position of trust, unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know of those circumstances.

(6) Notwithstanding subsections (1) to (4), a person between the ages of sixteen and twenty one years of age is not guilty of an offence under section 19 if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is over sixteen years of age and consents.

Sexual touching by persons in familial relationships

Sexual touching by persons in familial relationships who are eighteen and over, fourteen but under eighteen and under fourteen

21.(1) Where a person eighteen years of age or over intentionally touches a child and the touching is sexual and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that he is related to that child pursuant to that section, and-

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable -

- (c) where the touching involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and
- (d) in any other case -
 - (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for a term of ten years; or
 - (ii) on conviction on indictment, to imprisonment for twenty-five years.

(2) Where a person fourteen years of age or over but under eighteen years of age intentionally touches a child and the touching is sexual and he has a

familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that he is related to that child pursuant to that section, and-

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable -

- (c) where the touching involved sexual penetration of the child, on conviction on indictment, to detention for life; and
- (d) in any other case -
 - (i) on summary conviction, to a fine of forty thousand dollars and to detention for a term of ten years; or
 - (ii) on conviction on indictment, to detention for twenty-five years.

(3) Where a person under fourteen years of age intentionally touches a child and the touching is sexual and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that he is related to that child pursuant to that section, and-

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable,

- (c) where the touching involved sexual penetration of the child, -
 - (i) on summary conviction, to a fine of twenty thousand dollars and to detention for a term of

five years; or

(ii) on conviction on indictment, to detention for fifteen years; and

(d) in any other case -

(i) on summary conviction, to a fine of twenty thousand dollars and to detention for a term of five years; or

(ii) on conviction on indictment, to detention for ten years.

(4) Notwithstanding the penalties imposed in respect of offences under subsections (2) and (3), the Court may -

(a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;

(b) order that the offender be referred to counselling;

(c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;

(d) order that no conviction be recorded;

(e) order that the proceedings be sealed and not divulged without an order of the Family Court; or

(f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the relation of the defendant to the child was of a description pursuant to section 40 it is presumed that the defendant knew or could reasonably have been expected to know that his relation to the child was of that description unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that it was.

Causing or inciting a child to engage in sexual activity with a third person

Causing or inciting a child to engage in sexual activity with another person by person eighteen and over, fourteen but under eighteen and under fourteen

22. (1) Where a person eighteen years of age or over intentionally causes or incites a child to engage in sexual activity with another person and either -

(a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

the person commits an offence and is liable,

(c) where the activity caused or incited involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and

(d) in any other case-

(i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years ; or

(ii) on conviction on indictment, to imprisonment for fifteen years.

(2) Where a child fourteen years or over but under eighteen years of age intentionally causes or incites a child to engage in sexual activity with another person and either -

(a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) the child is under fourteen years of age,

the person commits an offence and is liable,

(c) where the activity caused or incited involved sexual penetration of the child, on conviction on indictment, to detention for life; and

(d) in any other case-

- (i) on summary conviction, to a fine of twenty thousand dollars and to detention for five years ; or
- (ii) on conviction on indictment, to detention for fifteen years.

(3) Where a person under fourteen years of age intentionally causes or incites a child to engage in sexual activity with another person and either -

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under the age of fourteen years of age,

the person commits an offence and is liable,

- (c) where the activity caused or incited involved sexual penetration of the child,

- (i) on conviction on summary conviction to a fine of twenty thousand dollars and detention for five years;
- (ii) on conviction on indictment, to detention for fifteen years; and

- (d) in any other case-

- (i) on summary conviction, to a fine of twenty thousand dollars and to detention for five years and; or
- (ii) on conviction on indictment, to detention for ten years.

(4) Notwithstanding the penalties imposed in respect of the offences under subsections (2) and (3), the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's

household or persons connected to the offender be referred to counseling;

- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is presumed not to have reasonably believed that that person was eighteen years of age or over, unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

(6) Notwithstanding subsections (1) to (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

Persons in positions of trust causing or inciting child to engage in sexual activity

Causing or inciting a child to engage in sexual activity by persons eighteen and over in positions of trust and between fourteen and eighteen

23.(1) Where a person eighteen years of age or over intentionally causes or incites a child to engage in sexual activity with another person and the person who so causes or incites the child is in a position of trust in relation to the child pursuant to section 34 (1) (b), (c), (d) and (e) and the person knows or could reasonably be expected to know that he is in a position of trust in relation to the child and-

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

- (b) the child is under fourteen years of age,

he commits an offence and is liable,

(c) where the activity caused or incited involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and

(d) in any other case-

(i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years and; or

(ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where a person fourteen years of age or over but under eighteen years of age intentionally causes or incites a child to engage in sexual activity with another person and the person who so causes or incites the child is in a position of trust in relation to the child pursuant to section 34 (1) (b), (c), (d) and (e) and the person knows or could reasonably be expected to know that he is in a position of trust in relation to the child and-

(a) the child is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) he child is under fourteen years of age,

he commits an offence and is liable,

(c) where the activity caused or incited involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and

(d) in any other case-

(i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment, to imprisonment for twenty five years.

(3) Notwithstanding the penalties imposed in respect of offences under subsection (2) the Court may -

(a) order that the offender be deemed in need of care and

protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;

- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

(4) Where in proceedings for an offence under subsection (1)-

- (a) it is proved that the defendant was in a position of trust in relation to the child pursuant to section 34(1) (b), (c), (d) or (e); or
- (b) it is not proved that he was in such a position of trust by virtue of other circumstances,

it is presumed that the defendant knew or could reasonably have been expected to know of the circumstances by virtue of which he was in such a position of trust unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know of those circumstances.

(5) Notwithstanding subsections (1) to (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

*Causing or inciting a child to engage in sexual activity
by persons in familial relationships*

Causing or inciting a child to engage in sexual activity by persons in familial relationship who are eighteen and over, fourteen and under eighteen and under eighteen

24. (1) Where a person eighteen years of age or over intentionally causes or incites a child to engage in a sexual activity with another person and the person causing or inciting has a familial relation with the child pursuant to section 43 and the person knows or could reasonably be expected to know that his relation to that child is of a description pursuant to that section, and -

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable,

- (c) where the activity caused or incited involved sexual penetration of the child, on conviction on indictment, to imprisonment for life; and
- (d) in any other case-
 - (i) on summary conviction, to imprisonment for ten years and a fine of forty thousand dollars; or
 - (ii) on conviction on indictment, to imprisonment for a term of twenty five years.

(2) Where a person fourteen years or over but under eighteen years of age intentionally causes or incites a child to engage in a sexual activity with another person and the person causing or inciting has a familial relation with the child pursuant to section 40 and the person causing or inciting knows or could reasonably be expected to know that his relation to that child is of a description pursuant to that section, and -

- (a) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable,

- (c) where the activity caused or incited involved sexual penetration of the child, on conviction on indictment, to

detention for life; and

- (d) in any other case-
 - (i) on summary conviction, to detention for ten years and a fine of forty thousand dollars; or
 - (ii) on conviction on indictment, to detention for a period of twenty five years.

(3) Where a person under fourteen years of age intentionally causes or incites a child to engage in a sexual activity with another person and the person causing or inciting has a familial relation with the child pursuant to section 43 and the person knows or could reasonably be expected to know that his relation to that child is of a description pursuant to that section, and -

- (a) the child is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) the child is under fourteen years of age,

he commits an offence and is liable,

- (c) where the activity caused or incited involved sexual penetration of the child,
 - (i) on summary conviction to detention for a period of five years and a fine of twenty thousand dollars; or
 - (ii) on conviction on indictment, to detention for fifteen years; and
- (d) in any other case-
 - (i) on summary conviction, to imprisonment for five years and a fine of twenty thousand dollars; or
 - (ii) on conviction on indictment, to imprisonment for a term of fifteen years.

(4) Notwithstanding the penalties imposed in respect of offences under subsections (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children’s Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender’s household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court;or
- (f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the relation of the defendant to the child was of a description pursuant to section 40, it is presumed that the defendant knew or could reasonably have been expected to know that his relation to the child was of that description unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that it was.

Engaging in sexual activity in the presence of a child

Engaging in sexual activity in the presence of a child by a person eighteen and over, fourteen and under eighteen and under eighteen

25.(1) Where a person eighteen years of age or over engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it-

- (a) when a child is present or is in a place from which the person can be observed; and
- (b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it; and

where the child is –

- (c) fourteen years or over but under the age of eighteen years and the person does not reasonably believe that the child is eighteen years of age or over; or

(d) under fourteen years of age,

he commits an offence and is liable,

(i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years and or

(ii) on conviction on indictment, to imprisonment for ten years.

(2) Where a person fourteen years or over but under eighteen years of age engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it-

(a) when a child is present or is in a place from which the person can be observed; and

(b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it; and

where the child is,

(c) fourteen years or over but under the age of eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(d) under fourteen years of age,

he commits an offence and is liable,

(i) on summary conviction, to a fine of twenty thousand dollars and to detention for five years; or

(ii) on conviction on indictment, to detention for ten years.

(3) Where a person under fourteen years of age engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it,

(a) when a child is present or is in a place from which the person can be observed; and

- (b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it; and

where the child is,

- (c) fourteen years or over but under the age of eighteen years and the person does not reasonably believe that the child is eighteen years of age or over; or
- (d) under fourteen years of age,

he commits an offence and is liable-

- (i) on summary conviction, to a fine of five thousand dollars and to imprisonment for two years and or
- (ii) on conviction on indictment, to imprisonment for five years.

(4) Notwithstanding the penalties imposed in respect of offences under subsection (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the child was under eighteen years of age, the defendant is to be taken not to have reasonably believed that the child was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

(6) Notwithstanding subsections (1) to (4), a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

Persons in positions of trust engaging in sexual activity in the presence of a child

Engaging in sexual activity in the presence of a child by persons in a position of trust

26. (1) Where a person eighteen years of age or over engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it-

- (a) when a child is present or is in a place from which the person can be observed; and
- (b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it,

and he is in a position of trust in relation to a child,

- (c) pursuant to section 34 (1)(b), (c), (d) or (e); and
- (d) is not in such a position of trust by virtue of other circumstances,

and the person knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to the child, and ,

- (e) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (f) the child is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand dollars; and to imprisonment for ten years; or
- (ii) on conviction on indictment, to imprisonment for twenty years.

(2) Where a person fourteen years of age or over but under eighteen years of age engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it,

- (a) when a child is present or is in a place from which the person can be observed; and
- (b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it,

and he is in a position of trust in relation to a child,

- (c) pursuant to section 34 (1)(b), (c), (d) or (e); and
- (d) is not in such a position of trust by virtue of other circumstances,

and the person knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to the child, and -

- (e) the child is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (f) the child is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years; or
- (ii) on conviction on indictment, to imprisonment for twenty years.

(3) Notwithstanding the penalties imposed in respect of offences under subsection (2) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

(4) Where in proceedings for an offence under subsection (1) -

- (a) it is proved that the defendant was in a position of trust in relation to the other person pursuant to section 34 (1),(b), (c), (d) or (e); and
- (b) it is not proved that he was in such a position of trust by virtue of other circumstances,

it is presumed that the defendant knew or could reasonably have been expected to know of the circumstances by virtue of which he was in such a position of trust unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know of those circumstances.

(5) Notwithstanding subsections (1) to (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

*Engaging in sexual activity in presence of a child
for purpose of sexual gratification by persons in a familial relationship*

Engaging in sexual activity in the presence of a child in a familial relationship who are eighteen and over, fourteen and under eighteen and under fourteen

27. (1) Where a person eighteen years of age or over engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it-

- (a) when a child is present or is in a place from which the person can be observed; and
- (b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it,

and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child is,

- (c) fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (d) under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years and; or
- (ii) on conviction on indictment, to imprisonment for a term of twenty years.

(2) Where a person fourteen years or over but under eighteen years of age engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it-

- (a) when a child is present or is in a place from which the person can be observed; and
- (b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it,

and he has a familial relation with the child pursuant to **section 40** and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child-

- (c) is fourteen years or over but under eighteen years of age and

the person does not reasonably believe that the child is eighteen years of age or over; or

(d) is under fourteen years of age,

he commits an offence and is liable -

(i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years and; or

(ii) on conviction on indictment, to imprisonment for a term of twenty years.

(3) Where a person under fourteen years of age engages in sexual activity, and for the purpose of obtaining sexual gratification he intentionally engages in it-

(a) when a child is present or is in a place from which the person can be observed; and

(b) knowing or believing that the child is aware, or intending that the child should be aware, that he is engaging in it,

and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child -

(c) is fourteen years of age or under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(d) is under fourteen years of age,

he commits an offence and is liable -

(i) on summary conviction, to a fine of five thousand dollars and to imprisonment for two years and; or

(ii) on conviction on indictment, to imprisonment for a term of five years.

(4) Notwithstanding the penalties imposed in respect of offences under subsection (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court, or
- (f) make any other order as the Court may deem fit.

(5) Where in proceedings for an offence under this section it is proved that the relation of the defendant to the child was of a description pursuant to section 40, it is to be taken that the defendant knew or could reasonably have been expected to know that his relation to the child was of that description unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that it was.

(6) Notwithstanding subsections (1) to (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

Causing a child to watch a sexual act for sexual gratification

Causing a child
to watch a

28. (1) Where a person eighteen years of age or over for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person

sexual act by
persons eighteen
and over,
fourteen and
under eighteen
and under
eighteen

engaging in sexual activity and the child -

- (a) is fourteen years of age or over but under the age of eighteen years and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to imprisonment for five years and a fine of twenty thousand dollars; or
- (ii) on conviction on indictment, to imprisonment for fifteen years.

(2) Where a person fourteen years or over but under eighteen years of age for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and the child -

- (a) is fourteen years of age or over but under the age of eighteen years and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to imprisonment for five years and a fine of twenty thousand dollars; or
- (ii) on conviction on indictment, to imprisonment for fifteen years.

(3) Where a person under fourteen years of age for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and the child -

- (a) is fourteen years of age or over but under the age of eighteen years and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to imprisonment for two years and a fine of five thousand dollars; or
- (ii) on conviction on indictment, to imprisonment for three years.

(4) Notwithstanding the penalties imposed in respect of offences under subsection (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court, or
- (f) make any other order as the Court may deem fit.

(5) Notwithstanding subsections (1) to (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

(6) Where in proceedings for an offence under this section it is proved that the other person was under eighteen years of age, the defendant is to be taken not to have reasonably believed that that person was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

Persons in position of trust causing a child to watch a sexual act for sexual gratification

Causing a child to watch a sexual act by person in the position of who are eighteen and over and fourteen and under eighteen

29. (1) Where a person eighteen years of age or over for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and the person is in a position of trust in relation to that child -

- (a) pursuant to section 34 (1)(b),(c), (d), or (e); and
- (b) is not in such a position of trust by virtue of other circumstances,

and the person knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to the child, and the child-

- (c) is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over, or
- (d) is under fourteen years of age,

he is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years and; or
- (ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where a person fourteen years or over but under eighteen years of age for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and the person is in a position of trust in relation to that child,

- (a) pursuant to section 34 (1)(b),(c), (d), or (e); and
- (b) is not in such a position of trust by virtue of other

circumstances,

and the person knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to the child, and the child-

- (c) is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over, or
- (d) is under fourteen years of age,

he is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years and; or
- (ii) on conviction on indictment, to imprisonment for twenty five years.

(3) Notwithstanding subsection (2) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court; or
- (f) make any other order as the Court may deem fit.

(4) Notwithstanding subsections (1) to (3) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

(5) Where in proceedings for an offence under this section -

- (a) it is proved that the defendant was in a position of trust pursuant to section 34(1) (b), (c), (d) or (e); and
- (b) it is not proved that he was in such a position of trust by virtue of other circumstances,

it is presumed that the defendant knew or could reasonably have been expected to know of the circumstances by virtue of which he was in such a position of trust unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know of those circumstances.

*Causing a child to watch a sexual act for sexual gratification
by persons in familial relationships*

Causing a child to watch a sexual act in familial Relationship by persons eighteen and over , fourteen and under eighteen and under eighteen

30. (1) Where a person eighteen years of age or over, for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child -

- (a) is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years ; or

- (ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where a person fourteen years of age or over but under eighteen years of age, for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child -

- (a) is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years ; or
- (ii) on conviction on indictment, to imprisonment for twenty five years.

(3) Where a person under fourteen years of age, for the purpose of obtaining sexual gratification, intentionally causes a child to watch a third person engaging in sexual activity and he has a familial relation with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child -

- (a) is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of five thousand dollars and to imprisonment for two years ; or

- (ii) on conviction on indictment, to imprisonment for five years.

(4) Notwithstanding the penalties imposed in respect of offences under subsection (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court, or
- (f) make any other order as the Court may deem fit.

(5) Notwithstanding subsections (1) (2) and (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

(6) Where in proceedings for an offence under this section it is proved that the relation of the defendant to the child is of a description pursuant to section 40, it is to be presumed that the defendant knew or could reasonably have been expected to know that his relation to the child was of that description unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that it was.

Meeting a child following sexual grooming

Meeting a child following sexual

31. (1) Where a person eighteen years of age or over does not reasonably believe a child is eighteen years of age or over and having met or communicated

grooming etc by persons eighteen and over, fourteen and under eighteen and under fourteen.

on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and,

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting, which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 he commits an offence under this section and is liable-

- (i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment, to imprisonment for fifteen years.

(2) Where a person fourteen years or over but under eighteen years of age does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and,

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting, which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 he commits an offence under this section and is liable-

- (i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment, to imprisonment for fifteen years.

(3) Where a person under fourteen years of age does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and,

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting, which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 he commits an offence under this section and is liable-

- (i) on summary conviction, to a fine of ten thousand dollars and to imprisonment for three years and; or
- (ii) on conviction on indictment, to imprisonment for five years.

(4) Notwithstanding the penalties imposed in respect of offences under subsection (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;
- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court, or
- (f) make any other order as the Court may deem fit.

(5) Notwithstanding subsections (1), (2) and (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

(6) Where in proceedings for an offence under this section it is proved that the other person was under eighteen years of age, the defendant is to be taken not to have reasonably believed that that person was eighteen years of age or over unless sufficient evidence is adduced to raise an issue as to whether he reasonably believed it.

Meeting a child following sexual grooming by persons in position of trust

Meeting a child following sexual grooming etc. by persons in a position of trust by persons eighteen and over and fourteen and under eighteen

32. (1) Where a person eighteen years of age or over does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and -

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections **10 to 15** and **17 to 21; 22 to 24; 25 to 27 or 28 to 30** and he is in a position of trust in relation to the child-

- (a) pursuant to section **34** (1)(b), (c), (d), or (e); and
- (b) is not in such a position of trust by virtue of other circumstances,

and the person knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to the child, and -

- (c) the child is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (d) the child is under fourteen years of age,

he is liable-

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years and; or
- (ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where a person fourteen years of age or over but under eighteen years of age or over does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and-

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 and he is in a position of trust in relation to the child-

- (a) pursuant to section 34 (1)(b), (c), (d), or (e); and
- (b) is not in such a position of trust by virtue of other circumstances,

and the person knows or could reasonably be expected to know of the circumstances by virtue of which he is in a position of trust in relation to the child, and the child -

- (c) is fourteen years of age or over but under eighteen years

of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(d) is under fourteen years of age,

he is liable-

(i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years ; or

(ii) on conviction on indictment, to imprisonment for twenty five years.

(3) Notwithstanding subsection (2) the Court may -

(a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;

(b) order that the offender be referred to counselling;

(c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;

(d) order that no conviction be recorded;

(e) order that the proceedings be sealed and not divulged without an order of the Family Court; or

(f) make any other order as the Court may deem fit.

(4) Notwithstanding subsections (1) to (3) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

(5) Where in proceedings for an offence under subsection (1) -

(a) it is proved that the defendant was in a position of trust in

relation to the provisions referred to in section 34(1) (b), (c), (d) or (e); and

- (b) it is not proved that he was in such a position of trust by virtue of other circumstances,

it is to be taken that the defendant knew or could reasonably have been expected to know of the circumstances by virtue of which he was in such a position of trust unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know of those circumstances.

*Meeting a child following sexual grooming
by persons in familial relationships*

Meeting a child following sexual grooming, in a familial relationship by persons who are eighteen and over, fourteen and under eighteen and under fourteen

33.(1) Where a person eighteen years of age or over does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and-

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 and he has a familial relationship with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child-

- (a) is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand

dollars and to imprisonment for ten years ; or

- (ii) on conviction on indictment, to imprisonment for twenty five years.

(2) Where a person fourteen years of age or over but under eighteen years of age does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of the world and,

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 , and he has a familial relationship with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child-

- (a) is fourteen years of age or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of forty thousand dollars and to imprisonment for ten years ; or
- (ii) on conviction on indictment, to imprisonment for twenty five years.

(3) Where a person under fourteen years of age does not reasonably believe a child is eighteen years of age or over and having met or communicated on at least two earlier occasions with the child, in any part of the world or having communicated with the child by any means including the internet in any part of

the world and-

- (a) intentionally meets the child; or
- (b) travels with the intention of meeting the child in any part of the world,

and at the time, he intends to do anything to or in respect of the child, during or after the meeting which if done in Trinidad and Tobago will involve the commission by the person of an offence under sections 10 to 15 and 17 to 21; 22 to 24; 25 to 27 or 28 to 30 , and he has a familial relationship with the child pursuant to section 40 and the person knows or could reasonably be expected to know that his relation to that child is of a description falling within that section, and the child-

- (a) is fourteen years or over but under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or
- (b) is under fourteen years of age,

he commits an offence and is liable -

- (i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment, to imprisonment for fifteen years.

(4) Notwithstanding the penalties imposed in respect of offences under subsections (2) and (3) the Court may -

- (a) order that the offender be deemed in need of care and protection and referred to the Children's Authority, who will investigate and seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the offender be referred to counselling;
- (c) order that any family members, members of the offender's household or persons connected to the offender be referred to counseling;

- (d) order that no conviction be recorded;
- (e) order that the proceedings be sealed and not divulged without an order of the Family Court, or
- (f) make any other order as the Court may deem fit.

(5) Notwithstanding subsections (1) to (4) , a person between the ages of sixteen and twenty one years of age is not guilty of an offence under this section if he is less than three years older than the child against whom he is purported to have perpetrated the offence and the child is sixteen years of age and over and consents.

(6) Where in proceedings for an offence under this section it is proved that the relation of the defendant to the child was of a description pursuant to section 40 it is to be taken that the defendant knew or could reasonably have been expected to know that his relation to the child was of that description unless sufficient evidence is adduced to raise an issue as to whether he knew or could reasonably have been expected to know that it was.

Positions of Trust

Persons in positions of trust

34.(1) For the purposes of this Part a person is in a position of trust in relation to a child if he-

- (a) is over eighteen years of age, looks after a child who is detained in an institution by virtue of a court order or under an enactment and the child is so detained in that institution;
- (b) looks after a child who is resident in a Community Residence or is at an Assessment and Support Centre or a Reception Centre maintained by the Authority or is cared for in a Nursery, or is in Foster Care under the Children’s Community Residences, Foster Care and Nurseries Act;
- (c) is an employee or volunteer at a hospital, nursing home or private hospital and looks after a child who is cared for in the hospital, nursing home or private hospital;
- (d) looks after a child who is receiving education at an educational institution but the person is not receiving education at that institution;

- (e) is appointed to be the guardian of a child;
- (f) is a person who has contact with a child, by any means in the exercise of the functions of the Authority;
- (g) is a person who is to report to the Court under this Act, the Family Proceedings Act, or the Family Court Act on matters relating to the welfare of the child, and has contact with the child by any means;
- (h) is a personal adviser appointed for the child under any written law;
- (i) is a police officer, social worker, teacher, scout master, troop leader, clergyman, spiritual leader, private driver, sports coach or trainer or other person in authority in whose care the child is placed;
- (j) is appointed to be the guardian *ad litem* of the child and in that capacity has unsupervised contact with the child by any means;
- (k) has care or control of a child while that child is in a place of safety;
- (l) looks after a child on an individual basis –
 - (i) where the child is subject to a foster care order, care order, child assessment order, fit person order or any other order of the Court which deals with the supervision of the child or supervision of the education of the child; and
 - (ii) in the exercise of the functions conferred by virtue of the order on an authorized person or the authority designated by the order; or
- (m) looks after the child on an individual basis in pursuance of the requirements imposed on the child by or under an enactment on his release from detention for a criminal offence, or is subject to requirements imposed by a court order made in criminal proceedings.

(2) The Minister with responsibility for legal affairs may by Order amend subsection (1).

Positions of trust : Interpretation

Positions of trust:
interpretation

35.(1) For the purposes of section 34 the following provisions apply-

- (a) subject to subsection (3), a person looks after children if he is regularly involved in caring for, training, supervising or being in charge of such children.
- (b) a person looks after a child on an individual basis if that person -
 - (i) is regularly involved in caring for, training or supervising the child; and
 - (ii) in the course of his involvement, regularly has unsupervised contact with that child by any means.
- (c) a child receives education at an educational institution if-
 - (i) he is registered or otherwise enrolled as a pupil or student at the institution; or
 - (ii) he receives education at the institution under arrangements with another educational institution at which he is so registered or otherwise enrolled.

Marriage exception

Marriage exception

36. Conduct by a person which would otherwise be an offence under sections 18 to 21;, 22 to 24; 28 to 30; 31 to 33 against a child is not an offence under that section if at the time of the conduct the person and the child were lawfully married.

Proceedings with respect to marriage exceptions

37. In proceedings for such an offence under section 36 it is for the defendant to prove that he and the child were lawfully married.

Exceptions of sexual relationships which pre-date positions of trust

Sexual

38.(1) Conduct by a person which would otherwise be an offence under

relationships
which pre-date
position of trust

sections 20,23, 26, 29, 32 against a child is not an offence under that section if, immediately before the position of trust arose, a sexual relationship existed between the person and the child, being under the age of eighteen years but over the age of sixteen years.

(2) Subsection (1) does not apply if at that time of the conduct sexual intercourse between the person and the child would have been unlawful.

Proceedings
with respect to
section 40

39. In proceedings for an offence under any of sections mentioned in section 40, it is for the defendant to prove that a sexual relationship existed between the person and the child immediately before the position of trust arose.

Familial relationships

Familial
relationships
Interpretation

40. For the purposes of this Act, the relation of a person to a child is within is a familial relationship if-

- (a) one of them is the other's parent, grandparent, brother, sister, half-brother, half-sister, niece, nephew, aunt or uncle;
- (b) the person is or has been the child's foster parent;
- (c) the child is in the care and control of the person pending an adoption order;
- (d) the person and the child live or have lived in the same household, or the person is or has been regularly involved in caring for, training, supervising or being in sole charge of the child, and-
 - (i) one of them is or has been the other's step-parent;
 - (ii) the parent and the child are cousins;
 - (iii) one of them is or has been the other's stepbrother or stepsister; or
 - (iv) the parent or present or former foster parent of one of them is or has been the other's foster parent.; or
- (e)
 - (i) the person and the child live in the same household; and
 - (ii) the person is regularly involved in caring for, training, supervising or being in sole charge of the child.

Interpretation of section 40

41. For the purpose of section 40-

- (a) “aunt” means the sister or half-sister of a person’s parent and “uncle” has a corresponding meaning;
- (b) “cousin” means the child of an aunt or uncle;
- (c) a person is a child’s foster parent if-
 - (i) he is the person with whom the child has been placed under the Children’s Authority Act; or
 - (ii) he fosters the child privately;
- (d) “step-parent” includes a parent’s partner; and
- (e) “stepsister” and “step brother” includes the child of a parent’s partner.

Court may make order for welfare of child victim and may take certain things into consideration in sentencing a convicted child

Order for the welfare of child victim

42. Notwithstanding any other order the court may make, the court may with respect to any child who has been the victim of any offence in this Part

- (a) order that the child be deemed in need of care and protection and referred to the Children’s Authority, who will seek any appropriate order of the Court with jurisdiction in family matters;
- (b) order that the child be referred to counselling;
- (c) order that any family members, members of the child’s household or persons connected to the child be referred to counseling; or
- (c) make any other order as the Court may deem fit for the welfare of the child.

Determination of sentence for child

43. In determining the sentence of any child who has been convicted of an offence under this Part or under Part IV the Court may-

- (a) request an investigation and report by a probation officer, social worker, psychologist, psychiatrist, or the Children’s Authority, and take same into account;

- (b) request a copy of any proceedings from the Family Court which relate to the child and take into account these proceedings;
- (c) hear and take into account submissions on behalf of the Children's Authority;
- (d) hear and take into account submissions on behalf of the Children's Attorney representing the child who has been convicted; or
- (e) hear and take into account submissions on behalf of the Children's Attorney representing the child victim.

PART VI

OFFENCES RELATING TO DANGEROUS DRUGS, TOBACCO AND ALCOHOL

Exposing children to dangerous drugs

44. A person who exposes a child or causes a child to be exposed to dangerous drugs or other substances having a similar effect commits an offence and is liable-

- (a) on summary conviction to a fine of five thousand dollars and to imprisonment for three years; or
- (b) on conviction on indictment to imprisonment for five years.

Giving a dangerous drug
Chap. 29:50

45. A person who gives, or causes to be given, to any child any dangerous drug or other substances having a similar effect except upon the order of a medical practitioner registered under the Medical Board Act, commits an offence and is liable in addition to any other penalty prescribed by law-

- (a) on summary conviction to a fine of ten thousand dollars and to imprisonment for five years; or
- (b) on conviction on indictment, to a fine of twenty thousand dollars and to imprisonment for ten years

Use of a child to sell, buy purvey or deliver dangerous drugs

46. A person who-

- (a) uses a child or causes a child to be used; or

(b) uses a child or causes a child to be used as a courier,

in order to sell, buy, purvey or deliver dangerous drugs or other substances having a similar effect commits an offence and is liable-

(a) on summary conviction to a fine of twenty thousand dollars and imprisonment for ten years; or

(b) on conviction on indictment, to a fine of forty thousand dollars and to imprisonment for twenty years.

Use of a child to sell, buy, purvey or deliver dangerous drugs in the furtherance of trafficking in dangerous drugs

47. A person who-

(a) uses a child or causes a child to be used; or

(b) uses a child or causes a child to be used as a courier,

in order to sell, buy, purvey or deliver dangerous drugs or other substances having a similar effect in the furtherance of trafficking in dangerous drugs or other substances having a similar effect, commits an offence and is liable-

(a) on summary conviction to a fine of forty thousand dollars and imprisonment for ten years; or

(b) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for thirty years.

Use of a child to buy or purvey alcohol or tobacco products

48. A person who uses or causes a child to be used as a courier or in order to sell, buy, purvey or deliver alcohol or tobacco products commits an offence and is liable upon summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

Sale of tobacco products and alcohol to children

49. Where a person sells any tobacco products or alcohol to a child, whether for use by the child or not, he commits an offence and is liable on summary conviction-

(a) in the case of a first offence to a fine of two thousand dollars;

(b) in the case of a second offence to a fine of five thousand dollars; or

- (c) in the case of a third or subsequent offence to a fine of twenty thousand dollars.

Forfeiture of tobacco

50.(1) A police officer shall seize from a child or any person who he reasonably believes to be a child any tobacco products or alcohol which is –

- (a) in the possession of that child or person; or
- (a) being consumed by that child or person,

and the tobacco product or alcohol so seized shall be disposed of in such manner as the Commissioner of Police may direct.

(2) A police officer referred to in subsection (1) is authorized to search the child or person whom he finds smoking or drinking.

(3) Notwithstanding subsection (2), a female child shall be searched by a female police officer.

Automatic machines for sale of tobacco

51.(1) Where it is proven to the satisfaction of a Court, on the complaint of any person, that any automatic machine used for the sale of tobacco products and kept on any premises, is being used by a child, the Court may order the owner of the machine or the person on whose premises the machine is kept –

- (a) to take such precautions to prevent the machine being so used;
- (b) where necessary, to remove the machine, within such time as may be specified in the order,

or make any other order that the Court may think fit.

(2) Where a person against whom an order is made under subsection (1) , fails to comply with the order, he commits an offence and is liable, on summary conviction, to a fine of one thousand dollars and to a further fine of two hundred and fifty dollars for each day that the offence continues.

Vendor of tobacco products to display signs

52.(1) Every vendor of tobacco products shall at all times cause to be displayed in a prominent place in that part of the premises where tobacco products are offered for sale, a sign, written in large, bold, legible, upper case characters that reads as follows:

“THE SALE OF TOBACCO PRODUCTS TO PERSONS

UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED”

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars

Vendor of alcohol to display signs

53.(1) Every vendor of alcohol shall at all times cause to be displayed in a prominent place in that part of the premises where alcohol is offered for sale, a sign, written in large, bold, legible, upper case characters that reads as follows:

“THE SALE OF ALCOHOL TO PERSONS
UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED”

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Exemptions

54. The provisions of this Part which make it an offence to sell tobacco products or alcohol to a child and which authorise the seizure of tobacco products or alcohol, shall not apply where the person to whom they , or in whose possession they are found, was at the time employed by a manufacturer of or dealer in tobacco products or alcohol, either wholesale or retail, for the purposes of his business.

Interpretation

55.(1) For the purposes of this Part—

“tobacco products” includes cigarettes, cigars, chewing tobacco, pipe tobacco or tobacco in any of its forms and cigarette paper;

“cigarette” includes cut tobacco rolled up in paper, tobacco leaf or other material in such form as to be capable of immediate use for smoking;

“cigarette paper” means paper used for rolling tobacco to be used for cigarettes.

(2) This Part shall apply to smoking mixtures intended as a substitute for tobacco in like manner as it applies to tobacco products.

PART VII
CHILD PORNOGRAPHY, TRAFFICKING FOR SEXUAL EXPLOITATION

Child
pornography

56.(1) A person who-

- (a) makes or permits to be made, any child pornography;
- (b) makes or permits to be made any copy of any child pornography;
- (c) distributes or shows such child pornography;
- (d) has in his possession such child pornography with a view to it being distributed or shown by himself or others;
- (e) publishes or causes to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such child pornography with a view to it being distributed or shown by himself or others, or intends to do so; or
- (f) has in his possession child pornography,

commits an offence and is liable on conviction on indictment, to a fine of twenty thousand dollars and to imprisonment for ten years.

(2) For the purposes of this Act, a person is to be regarded as distributing child pornography, if he-

- (a) offers it ;
- (b) parts with possession of it ;
- (c) exposes it;
- (d) posts it on the internet or causes it to be posted on the internet;
- (e) e-mails it;
- (f) faxes it; or
- (g) transmits it by any other means,

for acquisition by, another person.

(3) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Director of Public Prosecutions.

(4) Where a person is charged with an offence under subsection (1)(b),(c),(d)(4) or (f) it is a defence for him to prove that he had not himself seen the child pornography and did not know, nor had any cause to suspect it to be pornographic.

(5) A person is not guilty of an offence under subsection 1(b), (c) (d) or (e) if he proves that-

(a) it was necessary for him to take the photograph or make the film, video or other visual representation or for the purposes of the prevention, detection or investigation of crime, or for the purposes of criminal proceedings, in any part of the world; or

(b) at the time of the offence he was a member of the police service or otherwise employed by the State and in the course of his employment he was legally involved in the prevention, detection, or investigation, or prosecution of a crime for which the pornography was necessary.

Exposing a child to child pornography

57. A person over eighteen years of age who exposes a child or causes a child to be exposed to pornography commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for five years or upon conviction on indictment to imprisonment for five years.

Causing or inciting child pornography

58.(1) Where a person intentionally causes or incites a child to be involved in pornography, in any part of the world and the child-

(a) is under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) is under fourteen years of age,

he commits an offence and is liable-

(i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or

(ii) on conviction on indictment, to imprisonment for

fifteen years.

Controlling a child involved in pornography

59.(1) Where a person intentionally controls any of the activities of a child relating to that child's involvement in pornography in any part of the world, and the child -

(a) is under eighteen years of age and the person does not reasonably believe that the child is eighteen years of age or over; or

(b) is under fourteen years of age,
he commits an offence is liable -

(i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or

(ii) on conviction on indictment to imprisonment for twenty years.

Arranging or facilitating child pornography

60.(1) Where a person intentionally arranges or facilitates the involvement of a child in pornography, in any part of the world, and the child-

(a) is under eighteen years of age, and the person does not reasonably believe that the child is eighteen years of age or over, or

(b) is under fourteen years of age,

he commits an offence and is liable -

(i) on summary conviction, to a fine of twenty thousand dollars or to imprisonment for five years; or

(ii) on conviction on indictment to imprisonment for twenty years.

Trafficking into Trinidad and Tobago for sexual exploitation

61. (1) Where a person intentionally arranges or facilitates the arrival in Trinidad and Tobago of a child and he -

(a) intends to do anything to or in respect of the child, after the child's arrival, which if done will involve the commission of a relevant offence; or

- (b) believes that another person is likely to do something to or in respect of the child, after the child's arrival, which if done will involve the commission of a relevant offence,

he commits an offence and is liable-

- (i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment, to imprisonment for twenty years.

(2) An offence under this section is referred to as the offence of trafficking into Trinidad and Tobago for sexual exploitation

Trafficking within Trinidad and Tobago for sexual exploitation

62 (1) Where a person intentionally arranges or facilitates travel within Trinidad and Tobago by a child, and he -

- (a) intends to do anything to or in respect of the child, during or after the journey, in any part of the world, which if done will involve the commission of a relevant offence; or
- (b) believes that another person is likely to do something to or in respect of the child, during or after the journey, in any part of the world, which if done will involve the commission of a relevant offence,

he commits an offence under this section is liable-

- (i) on summary conviction, to a fine of twenty thousand dollars imprisonment for five years; and
- (ii) on conviction on indictment, to imprisonment for twenty years.

(2) An offence under this section is referred to as the offence of trafficking within Trinidad and Tobago for sexual exploitation

Trafficking out of the Trinidad and Tobago for sexual exploitation

63. (1) Where a person intentionally arranges or facilitates the departure from Trinidad and Tobago of a child, and he -

- (a) intends to do anything to or in respect of the child, after the child's departure, in any part of the world, which if

done will involve the commission of a relevant offence; or

- (b) believes that another person is likely to do something to or in respect of the child, after the child's departure in any part of the world, which if done will involve the commission of a relevant offence.

he commits an offence and is liable-

- (i) on summary conviction, to a fine of twenty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment, to imprisonment for twenty years.

(2) An offence under this section is referred to as the offence of trafficking out of Trinidad and Tobago for sexual exploitation.

Interpretation
and jurisdiction

64.(1) In sections 61 to 63, "relevant offence" means-

- (a) an offence under this Part ; or
- (b) anything done outside Trinidad and Tobago which is not an offence under this Part, but would be if done with respect to a child in Trinidad and Tobago.

(2) Sections 61 to 63 apply to anything done-

- (a) in Trinidad and Tobago; or
- (b) outside Trinidad and Tobago, by a body incorporated under the laws of Trinidad and Tobago or by an individual to whom subsection (3) applies.

(3) This section applies to-

- (a) a citizen of Trinidad and Tobago;
- (b) a CARICOM citizen who resides in Trinidad and Tobago;
- (c) a CARICOM citizen who resides or works in Trinidad and Tobago under a CARICOM skills certificate;
- (d) any person ordinarily resident in Trinidad and Tobago;
- (e) any person for the time being resident in Trinidad and Tobago; and
- (f) any person domiciled in Trinidad and Tobago.

Order of Court
for counselling

65. Where under Parts II to VII a person is convicted of an offence, the Court may make an order for the convicted person to be submitted for counselling.

PART VIII

ARREST OF OFFENDERS AND PROVISIONS FOR THE SAFETY OF CHILDREN

Power of arrest

66. (1) Any constable may take into custody, without warrant, any

person-

- (a) who, within view of the constable, commits an offence under Parts II to VII or the First Schedule, where the name and residence of such person are unknown to the constable and cannot be ascertained by the constable; or
- (b) who has committed, or who the constable has reason to believe has committed, an offence of cruelty or any of the offences in Parts II to VII or the First Schedule, if he has reasonable grounds for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2) Where a police officer arrests any person without a warrant in pursuance of this section, an officer of the rank of inspector or above shall, unless, in his belief, the release of such person on bail would tend to defeat the ends of justice or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on bail in accordance with the Bail Act, subject to a duty to appear before a Magistrate's Court at such time and place as the officer appoints.

Act No. 18
of 1994

Taking a child
to a place of
safety

67.(1) A police officer; a person referred to in section 71(1)(a); or any person authorised by a Court may take to a place of safety any child in respect of whom an offence under Parts II to VII or any of the offences mentioned in the First Schedule, has been, or there is reason to believe has been, or is likely to be, committed, and shall notify the Authority forthwith.

(2) A child who is taken to a place of safety or who seeks refuge in a place of safety, may remain there-

- (a) unless the Authority advises otherwise; or
- (b) until he can be brought before a Court.

(3) Where a child is brought before a Court, the Court may make an order under subsection (4), or may cause the child to be dealt with as circumstances admit and require, according to the Children Authority Act.

(4) Where it appears to any Court that an offence under Parts II to VII, or any of the offences mentioned in the First Schedule, has been committed

in respect of any child who is brought before it, and that it is expedient in the interests of the child that an order should be made under this subsection, the Court may, without prejudice to any other power under this Act, make an order that the child be brought to the attention of the Authority pending the enquiry.

(5) The order made pursuant to subsection (4) may subsist until the charge made against any person in respect of an offence under Parts II to VII, with regard to the child, has been determined.

(6) Any such order referred to in subsection (4) may be carried out notwithstanding that any person claims the custody of the child.

(7) A police officer or a person referred to in section 71(1)(a) shall make a written report of action taken under this section to his superior officer within seventy-two hours of the taking of such action.

Arrangements
for child by
order of court

68.(1) Where a person having custody, charge or care of a child has been-

(a) convicted of committing-

(i) an offence under Parts II to VII; or

(ii) any of the offences mentioned in the First Schedule,

First Schedule

in respect of such child,

(b) committed for trial for any such offence; or

(c) bound over to keep the peace towards such child,

by any Court, that Court, without requiring any new proceedings to be instituted shall forthwith take the child out of the custody, charge or care of the person and bring the child to the attention of the Authority.

(2) Where at any time during proceedings -

(a) a person having the custody, charge or care of a child is charged with any offence in respect of that child, before any court; or

(b) it has come to the knowledge of a court that an offence has been committed in respect of a child,

that court, may without requiring any new proceedings to be instituted for that purpose, bring the child to the attention of the Authority and refer the child to the Court with jurisdiction in family matters.

(3) Upon a child being brought to the attention of the Authority under this section, the Authority shall-

- (a) temporarily place the child in the care of a fit relative, some other fit person or a reception centre licensed under the Children's Authority Act ; and
- (b) immediately bring the child before the court with jurisdiction in family matters, whereupon such court may make such order as it deems necessary.

(4) Nothing in this section shall be construed as preventing a court at the time when the person is so charged or at any time during the proceedings, without requiring any new proceedings to be instituted for that purpose, from bringing the child to the attention of the Authority and referring the child to the court with jurisdiction in family matters.

(5) Every order under this section shall be in writing, and may be made by the Court in the absence of the child.

(6) Where an order is made under this section in respect of a person who has been committed for trial, and that person is acquitted of the charge, or the charge is dismissed for want of prosecution, the Court with jurisdiction in family matters may take the circumstances in respect of the acquittal or dismissal into account when considering the future care of the child.

Maintenance and control of child placed in the care of any person under order of court

69.(1) A person into whose care a child is placed under this Part shall, whilst the order is in force, have the like control over the child as if he were his parent, and shall be responsible for his welfare, and the child shall continue in the care of such person, notwithstanding that he is claimed by his parent or any other person.

(2) Where a person-

- (a) knowingly assists or induces, directly or indirectly, a child to escape from the person to whose care he is committed; or
- (b) knowingly harbours, conceals or prevents a child who has so

escaped from returning to such person, or knowingly assists in so doing,

he is liable on summary conviction, to a fine of two thousand dollars or to imprisonment for six months.

(3) Where a Court makes an order to commit a child, the Court may also order the parent or any other person liable to maintain the child, to contribute to his maintenance during that period, and such orders shall be enforceable in like manner as if the child were ordered to be sent to a community residence under the Children's Authority Act.

(4) An order under subsection (3) may be made-

- (a) on the complaint or application of the person to whose care the child is committed; and
- (b) at the time when the order for the committal of the child to his care is made, or subsequently.

(5) The sums contributed by the parent or such other person liable to maintain the child pursuant to subsection (3) shall be paid to the person to whose care the child is committed, as the Court may name, and be applied for the maintenance of the child.

(6) Where, under this Part, an order to commit a child to the care of some fit relative or other person is made in respect of a person who has been committed for trial for an offence, the Court shall have power to make an order under this section in respect of the parent or any other person liable to maintain the child prior to the trial of the person so committed.

(7) A Court making an order under subsection (3) may-

- (a) where there is any pension or income payable to such person capable of being attached; and
- (b) after giving the person by whom the pension or income is payable an opportunity of being heard,

further order that such part of the pension or income, as the Court may see fit, be attached and be paid to the person named by the Court.

(8) The person who is named by the Court in the Order to be paid the monies referred to in subsection (6) shall provide a receipt which, shall be a

good discharge of the obligation to pay under the order.

(9) An order under this section may be made-

- (a) by any Court before which a person is charged with an offence under Parts II to VII and in the First Schedule; and
- (b) without regard to the place of residence of the person to whom the payment is to be made.

(10) A Court, in making an order under this section, shall do so with the child's welfare as the paramount consideration, taking into account the wishes of the child where such wishes can be reasonably ascertained.

Religious persuasion of persons with whom child is placed

70. In determining the person in whose care the child shall be placed under this Part, the Court shall –

- (a) ascertain the religious persuasion to which the child belongs; and
- (b) if possible, select a person-
 - (i) of the same religious persuasion; or
 - (ii) who gives an undertaking sufficient to the Court that the child shall be brought up in accordance with his religious persuasion,

and such religious persuasion shall be specified in the order.

Court order to require the appearance of parent or guardian

71.(1) Where it appears to a court on complaint on oath of—

- (a) a public officer experienced or qualified in social work;
- (b) an employee or a person employed on contract by the Government, experienced or qualified in social work; or
- (c) a person who in the opinion of the Court is acting in the interest of a child,

that a child –

- (i) has suffered;

(ii) is suffering harm; or

(iii) is likely to suffer such harm,

so as to cause concern for the welfare of that child, the Court may require a parent or guardian to appear before it and shall notify the Authority immediately.

(2) A Court may act in accordance with subsection (1) in proceedings under section 67 or 68.

(3) Where, in proceedings referred to in subsections (1) and (2), the Court is satisfied that the child-

(a) has suffered;

(b) is suffering; or

(c) is likely to suffer harm,

sufficient to cause concern for the welfare of that child, the Court may, with the child's welfare as the paramount consideration and taking into account the wishes of the child involved, where such wishes of the child can be reasonably ascertained, order that the child-

(i) remain in the custody of a parent or guardian, subject to a period of supervision by a named person or authority, and subject to such conditions as are specified in the order; or

(ii) be committed to the care of a fit relative of the child or other fit person named by the Court, such fit relative or other fit person being willing and able to undertake such care.

(5) Where proceedings are before a Magistrate under subsection (1), section 67, or 68, in respect of a child-

(a) who is a ward of the Court;

(b) of whom there is in force an order of the High Court relating to custody, guardianship or access; or

(c) of whom proceedings, not of a criminal nature, relating to or affecting him are before or pending in the High

Court,

the Magistrate shall refer the proceedings to the High Court whereupon those proceedings subject to subsections (7), (8) and (9) shall be continued as if they had been properly and duly commenced in that Court.

(7) In proceedings removed to the High Court under subsection (6), the High Court may make any order that a Magistrate may make under this Act or such other order as it sees fit.

(8) At any stage of the proceedings referred to in subsection (7) the Court may—

- (a) in the case of the High Court, on its own motion;
- (b) in the case of the Magistrate, by summons; or
- (c) on the application of any person acting in the interest of the child,

join as a party to the proceedings any person who ought to have been joined as a party or whose presence before the Court is desirable or necessary to determine the matter.

(9) Nothing in this section precludes the High Court, the court with jurisdiction in family matters or the Magistrate, as the case may be, from making an interim order, including an interim care order, pending the appearance of the child, parent or guardian, or other person.

(10) For the purposes of this section-

“harm” includes-

- (a) wilful neglect;
- (b) assault;
- (c) ill-treatment, physical or otherwise;
- (d) physical, sexual or mental abuse;
- (e) domestic violence;
- (f) a situation where any child is being used as a courier, seller or purveyor of dangerous drugs or other substances having a similar effect by those having his custody, charge or care or by any other person;
- (g) impairment suffered from seeing or hearing the ill-treatment of another;

- (h) an offence under Parts II to VII of this Act or in the First Schedule; or
- (i) any act or omission which impedes or may impede or is detrimental to the physical, psychological, intellectual, social, behavioural, mental or emotional development of

a child.

(12) Where a complaint on oath has been made under subsection (1) and where the circumstances so require, the Court may issue a warrant authorising any police officer to remove the child, with or without search, to a place of safety and detain him there until he is brought before the court with jurisdiction in family matters and the constable shall notify the Authority forthwith.

(13) A Court 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 a Magistrate, and cause proceedings to be taken against such person according to law.

(14) Any police officer authorized 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, or other place specified in the warrant, and may remove the child therefrom.

(15) Every warrant issued under this section shall be executed by a police officer, who shall be accompanied by the person laying the information, if such person so desires, unless the Court by whom the warrant is issued otherwise directs.

(16) It shall not be necessary in any information or warrant under this section to name the child.

Interpretation
“fit person”

72. (1) In this Part, the expression “fit person”, in relation to the care of any child, includes any body corporate, authority, agency or society established for the reception of children to whom this Act applies.

(2) For the purposes of this Part—

(a) any person who is the parent or legal guardian of a child or who is legally liable to maintain a child is presumed to have the custody of the child, and, as between father and mother, the father shall not be deemed to have ceased to have the custody of the child by reason only that he has deserted, or otherwise does not reside with, the mother and child;

(b) any person to whose charge a child is committed by any person who has the custody of the child is presumed to have charge of the child; and

(c) any other person having actual possession or control of a

child is presumed to have the care of the child.

PART IX

EVIDENCE AND PROCEDURE

Evidence of
accused person
Chap. 7:02
First Schedule

73. Part II of the Evidence Act is applicable in respect of proceedings against any person for an offence under Parts II to VII, or for any of the offences mentioned in the First Schedule.

Special power to
take deposition
and record
evidence etc

74. (1) Where a Court is satisfied by the evidence of a duly qualified medical practitioner or the Director of Public Prosecutions that the attendance of a child before a Court in respect of whom an offence-

- (a) under Parts II to VII; or
- (b) mentioned in the First Schedule,

is alleged to have been committed, would place the child at risk of harm, the Court may-

- (i) take in writing the deposition of the child;
- (ii) have recorded by electronic audio recording, video recording or computer aided transcription, the evidence of the child; or
- (iii) have the child appear from a remote location by video conferencing in accordance with the rules made by the Rules Committee.

(2) Where the evidence is being taken in writing the following shall apply:

- (a) the evidence of the child shall be taken in the form of a deposition;
- (b) the Court shall subscribe the deposition and add thereto-
 - (i) the date when and place where the deposition was taken; and
 - (ii) the names of the persons present at the taking of the deposition.

(3)The Court taking any such deposition shall transmit it-

- (a) to the proper officer of the Court at which the accused person

has been committed and to the Deputy Registrar of the Court with jurisdiction in family matters, if the deposition relates to an offence for which an accused person is already committed for trial; and

- (b) in any other case, to the Clerk of the Peace of the magisterial district in which the deposition has been taken, and to the Deputy Registrar of the Court with jurisdiction in family matters,

and the Clerk of the Peace and Deputy Registrar of the Court with jurisdiction in family matters to whom any such deposition is transmitted shall preserve, file, and record the deposition and not otherwise disclose its contents except by order of the Court.

(4) If the evidence of the child is recorded by electronic audio digital recording, video digital recording or computer aided transcription or video conferencing, a transcript of the recorded evidence may be prepared.

(5) Where a transcript of the recorded evidence referred to in subsection (4) is prepared, the transcript shall be prepared and verified by the certificate of those responsible for the accuracy of the recording of the proceedings and the accuracy of the transcript prepared in accordance with the Recording of Court Proceedings Act, 1991.

Chap. 4:31

- (6) The Court shall subscribe the certificate and add thereto-
 - (a) the date when and place where the evidence was recorded; and
 - (b) the names of the persons present.

(7) Where the evidence is recorded, the Court shall cause a copy of the recording and any verified transcript to be kept as a record of the evidence with all the other relevant evidence.

(8) The video digital recording, audio digital recording or video conferencing recording shall be the official record.

(9) A deposition, recording, or transcript of evidence of a child in a case involving allegations of a sexual nature may not be disclosed to anyone except by order of the Court.

Admission of deposition and recorded evidence into evidence

75. (1) Where, on the trial of a person on indictment for an offence under Parts II to VII or any of the offences mentioned in the First Schedule, the Court is satisfied by the evidence of a duly qualified medical practitioner or the Director of Public Prosecutions, that the attendance before the Court of any child in respect of whom the offence is alleged to have been committed would involve-

(a) danger to the life or physical, mental or psychological health of the child, or

(b) place the child at risk of harm,

any deposition or recorded evidence of the child taken under the Indictable Offences (Preliminary Enquiry) Act, or under this Part shall be admissible in evidence in respect of the accused person without further proof.

Chap 12:01

(2) The deposition or recorded evidence referred to in subsection (1) shall be admissible in evidence in respect of the accused , without further proof-

(a) if, in the case of a deposition, it purports to be signed by the Court, by or before whom it purports to be taken;

(b) if, in the case of recorded evidence, it purports to be verified by the certificate of those responsible for the accuracy of the recording of the proceedings and of the transcript in accordance with the Recording of Court Proceedings Act; or

(c) if, in the case of the recording of a video conference, it is verified by the person responsible for the accuracy of the recording of the proceedings; and

(i) reasonable notice of the intention to take the deposition or to have the evidence recorded has been served upon the person against whom it is proposed to use it as evidence; and

(ii) that person or his attorney-at-law had, or might have had if he had so chosen to be present, an opportunity of cross-examining the child making the deposition, including cross-examination by video conference.

Admissibility of video recorded evidence of interview between an adult and a child

76. (1) A video recording of an interview which is conducted between an adult who is not the accused or one of the accused and a child (hereinafter in this Part called “the child witness”), and which relates to any matter in issue in the proceedings, may, with the leave of the Court, be given in evidence in so far as it is not excluded under subsection (3).

(2) This section applies to all criminal proceedings in which the offence charged —

- (a) involves an assault on, or injury or threat of injury to a person;
- (b) is an offence under Parts II to VII;
- (c) is an offence under the Sexual Offences Act.
- (d) the offence charged is inciting the commission of an offence falling within paragraph (a), (b) or (c).

(3) Where a video recording is tendered in evidence under this section, the Court may, subject to the exercise of any power to exclude evidence which is otherwise admissible, give leave under subsection (1) unless—

- (a) it appears that the child witness will not be available for cross-examination;
- (b) any rules of court requiring disclosure of the circumstances in which the recording was made have not been complied with to the satisfaction of the Court; or
- (c) the Court is of the opinion having regard to all the circumstances of the case, that in the interest of justice the recording should not be admitted.

(4) Where leave is granted under subsection (3), the Court may direct that any part of the recording be excluded if it thinks it would not be in the interest of justice to allow its admission.

Cross-examination of child victim

77. Where a video recording is admitted in evidence under section 76(1), cross-examination of the witness shall be by means of an electronic device linking the voice and imagery of the accused or his the voice and imagery of such witness who is a child and who is alleged-

- (a) to be the person against whom the offence was committed; or
- (b) to have witnessed the commission of the offence

Child witness to

78. Where a video recording is admitted under section 76, the child witness

be called

shall be called by the party who tendered the recording in evidence but that witness shall not be examined in chief on any matter which, in the opinion of the Court, has been dealt with adequately in his recorded testimony

Video recorded evidence treated as direct oral testimony

79. (1) Where a video recording is given in evidence under section 76, any statement made by the child witness which is disclosed by the recording shall be treated as if given by that witness in direct oral testimony, and any such statement shall be admissible evidence of any fact of which such testimony from him would be admissible, but no such statement shall be capable of corroborating any other evidence given by him.

(2) In estimating the weight to be attached to a statement **under** subsection (1), regard shall be had to all the circumstances from which any inference can reasonably be drawn.

(3) In this section “statement” includes any representation of fact, whether made in words or otherwise.

80. (1) A child under ten years of age may give unsworn evidence in criminal proceedings shall.

(2) Before receiving the evidence of a child under subsection (1), a Court shall hold an enquiry to determine whether the child is possessed of sufficient intelligence to justify the reception of his evidence, and understands the duty of speaking the truth.

(3) A child’s unsworn evidence may be taken and reduced to writing in accordance with the Indictable Offences (Preliminary Enquiry) Act, or this Part, and shall be deemed to be a deposition within the meaning of that Act and this Part.

(4) The unsworn evidence of a child may not be corroborated solely by the unsworn evidence of another child.

(5) Subject to subsection (6), a person may not be convicted of an offence unless the unsworn evidence admitted under this section and given on behalf of the prosecution is corroborated by some other material particular implicating the accused and such corroboration may consist of evidence other than oral evidence.

(6) Notwithstanding subsection (5), an accused person may be convicted on the uncorroborated unsworn evidence of a child provided that the Court warns the jury of the danger of convicting the accused person on the uncorroborated unsworn evidence of a child.

(7) A child, over ten years of age, whose evidence is received under this section and who wilfully gives false evidence under such circumstances that, if the evidence had been given on oath, he would have been guilty of perjury, commits an offence and is liable on summary conviction to be adjudged such punishment as might have been awarded had he been charged with perjury and the case dealt with summarily under section 99 of the Summary Courts Act.

Rules of Court

81.(1) The Rules Committee established by the Supreme Court of Judicature Act, may make Rules of Court for the purposes of the operation of sections 76 to 79.

Chap 4:01

(2) Rules made under subsection (1) shall be subject to negative resolution of Parliament.

Definition of "child" for the purposes of sections 76 to 79

82. In sections 76 to 79 "child" means a person who was at the time when the video recording was made, under sixteen years of age and who has not attained eighteen years of age at the time of the cross-examination.

Power to proceed in absence of child

First Schedule

83. Where, in any proceedings in relation to an offence under Parts II to VII, or any of the offences mentioned in the First Schedule, the Court is satisfied that the attendance before it of a child in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Mode of charging offence and limitation of time

84.(1) Where a person is charged with committing an offence under Parts II to VII or an offence mentioned in the First Schedule, in respect of two or more children, the same information or summons may be used to charge that person with the offence in respect of all or any of the children and the person charged shall be liable to a separate penalty for each child.

(2) The same information or summons may also be used to charge any person-

- (a) as having the custody, charge or care of a child, alternatively or together;
- (b) with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately; or
- (c) with committing all or any of the offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together.

(3) Notwithstanding subsection (2), when the offences mentioned in the

subsection (2) are charged together, the person charged shall not be liable to a separate penalty for each.

(4) Subject to subsection (5) a person shall not be summarily convicted of an offence under Parts II to VII, or of an offence mentioned in the First Schedule, unless the offence was wholly or partly committed within six months before the information was laid.

(5) Evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(6) Where an offence, under Parts II to VII or any offence mentioned in the First Schedule, charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

PART X YOUTHFUL OFFENDERS

Bail for
children
arrested

85. Where a person who appears to be under the age of eighteen years is apprehended with or without warrant, and cannot be brought forthwith before a Court, the officer in charge of the Police Station to which such person is brought shall enquire into the case and may -

- (a) unless the charge is homicide or another serious offence;
- (b) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute;
- (c) if there is reason to believe that the release of such person would not defeat the ends of justice,

release such person on bail in accordance with the Bail Act, subject to a duty to appear before a Magistrate's Court at such time and place as the officer appoints and shall bring the child to the attention of the Authority .

Custody of
children not
discharged on
bail after arrest

86. Where a person who appears to be under the age of eighteen years having been apprehended is not released in accordance with section 85 , the officer in charge of the Police Station to which such person is brought shall notify the Children's Authority forthwith who shall cause him to be placed in a Community Residence until he can be brought before a court.

Association with adults during detention in Police Station

87. Where a child has been detained in a Police Station, the Commissioner of Police shall make arrangements for preventing, so far as practicable, the child from associating with an adult, charged with or convicted of an offence.

Remand or committal to custody in a Community Residence

88. (1) A Court, on remanding or committing for trial a child who is not released on bail, shall order that the child be placed in the custody of a Community Residence named in the order for the period for which he is remanded or until he is brought before the Court in due course of the law.

(2) An order under subsection (1) may be varied to name an alternative Community Residence

Parent or guardian to attend court proceedings

89. (1) Where a child is charged with an offence or brought before a Court under this Act, his parent or guardian shall be required to attend at the proceedings of the Court, unless the Court is satisfied that it would be unreasonable or impractical to require his attendance.

(2) Where a child is arrested by a police officer, the said officer or the officer in charge of the Police Station to which the child was brought, shall advise the parent or guardian of the child, to be warned to attend the Court before which the child will appear.

(4) Subsection (2) shall not apply if the parent or guardian cannot be found.

(5) Where a child is arrested or charged with any offence, or in proceedings referred to in section 71(1) or (2), a summons or warrant may be issued by the Court to enforce the attendance of the parent or guardian for the purpose of –

- (a) enabling such parent or guardian to take part in the proceedings; and
- (b) enabling orders to be made against the child in the same manner,

as if a complaint were made upon which a summons or warrant could be issued against a defendant under the Summary Courts Act.

(6) The parent or guardian who shall be required to attend court proceedings under this section shall be the parent or guardian having the actual care and control of the child.

(7) The attendance of the parent or guardian of a child in the proceedings of the court shall not be required under this section in any case where the child was, before the institution of the proceedings, removed from the custody or care and control of his parent or guardian by an order of a Court.

Power of court to order parent to pay any fine, damages or cost instead of child where a child is charged

90. (1) Where a child is charged and brought before a Court with an offence the commission of which attracts a fine, damages, or costs, and the Court is of opinion that,

- (a) the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment,

the Court may, in any case where the offender is a child,

- (b) order the parent or guardian of the child to pay the fine, damages, or costs awarded;

unless the Court is satisfied that-

- (i) the parent or guardian cannot be found; or
- (ii) the parent or guardian has not conducted to the commission of the offence by neglecting to exercise due care of the child.

(2) Where a child is charged with any offence, the Court may order his parent or guardian to give security for his good behaviour.

(3) Where the Court finds that a charge against a child is proved, the Court, without proceeding to convict the child, may make –

- (a) an order against the parent or guardian –
 - (i) for the payment of damages or costs; or
 - (ii) requiring him to give security for good behaviour;
- (b) a Recognisance Order in accordance with the Children's Authority Act; or
- (c) a Supervision Order in accordance with the Children's Authority Act.

(4) A supervision order made under this section shall state the period of supervision and the frequency of meetings and any reports required by the Court or the Authority.

(5) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity to be heard.

(6) Any sums, pursuant to this section, which a Court-

(a) imposes and orders to be paid by a parent or guardian ;or

(b) on forfeiture of any such security referred to in this section,

may be recovered from the parent or guardian by distress in like manner as if the order had been made on the conviction of the parent or guardian for the offence with which the child was charged.

Power of the Court to call parent to show cause where a child is convicted

91. Where a child is convicted of an offence and the Court is of the view that the parent or guardian of the child has failed to take reasonable care to ensure that the child does not commit an offence, the Court may call upon the parent or guardian to show cause why he should not be required to pay a fine in addition to that which is to be paid by the child or for the child under this section and if the parent or guardian fail to show good cause, the Court may order that –

(a) the parent or guardian pays a fine to the Court; and

(b) the parent or guardian attends counselling on such terms as the Court may order.

Limitation of costs

92. (1) Where a child is ordered by the Court to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall not exceed the amount of the fine.

(2) The Court may order-

(a) all fees payable or paid by the complainant in excess of the amount of costs ordered to be paid under subsection (1) to be remitted or repaid to the complainant; and

(b) the fine or any part thereof,

to be paid to the complainant to offset his costs.

Methods of dealing with children and

93. Where a child charged with any offence is tried by any Court, and the Court is satisfied of his guilt, the Court shall take into consideration the provisions

charged with
offences

of this or any other Act enabling the Court to deal with the case and the case may be dealt with in the following manner:

- (a) dismiss the charge;
- (b) discharge the offender on his entering into a recognisance;
- (c) discharge the offender and place him under the supervision of a probation officer;
- (d) place the offender in the care of a fit relative or other fit person;
- (e) send the offender to a Community Residence appropriate to the age of the child;
- (f) order the offender to pay a fine, damages, and costs;
- (g) order the parent or guardian of the offender to pay a fine, damages and costs;
- (h) order the parent or guardian of the offender to give security for his good behaviour;
- (i) make a supervision order;
- (j) bring the offender to the attention of the Children's Authority;
- (k) make an order for counselling or for psychological evaluation and resultant assistance;
- (l) order that no conviction be recorded; and
- (m) by dealing with the case in any manner in which it may legally be dealt with.

(2) If a custodial sentence is pronounced on a person who was at the time of his sentencing, a child, and the period of that sentence extends past the time that the person would have achieved the age of eighteen, the High Court shall, on his achieving the age of eighteen, review the sentence and may order that-

- (a) the remainder of the sentence be served in prison;
- (b) the sentence be commuted to time served subject to (d);
- (c) the sentence be reduced and the remainder of the sentence be served in prison;
- (d) the person be discharged from detention but placed on a bond for a period of time not exceeding fifteen years during which time he attends

counselling, on condition that failure to attend and participate in counselling, may result in the requirement that he completes the sentence in prison; or

- (e) the person be placed under the supervision of a probation officer and attend counselling, on condition that failure to attend upon the probation officer or to attend and participate in counselling may result in the requirement that he completes the sentence in prison.

(3) An order made under section 94(e) may be made in addition to any order made under subparagraphs (b) and (c)

Restriction on punishment of children. and substitution of custody in place of detention or imprisonment

94. (1) A child under fourteen years of age shall not be sentenced to imprisonment for any offence.

(2) Where a child, -

- (a) is convicted of an offence, which in the case of an adult, is punishable with imprisonment; or
- (b) would be liable to be imprisoned in default of payment of any fine, damages, or costs,

the Court may, in lieu of sentencing him to imprisonment or committing him to prison, order that he be committed to a Community Residence named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Part, be sentenced to imprisonment or committed to prison.

(3) Where a child is detained in any facility he shall not be allowed to associate with adult prisoners except with the express permission of the Court in relation to the adult prisoner named in such order.

Abolition of death sentence in case of person under eighteen.

95. Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the Court that at the time when the offence was committed he was under eighteen years of age

Detention in case of certain crimes committed by children or young persons.

96. (1) Where a child is convicted on indictment of –

- (a) an attempt to murder;
- (b) manslaughter;
- (c) wounding with intent to do grievous bodily harm; or
- (d) other heinous offences against the person

and the Court is of opinion that no punishment which, under the provisions of this Act, it is authorised to inflict is sufficient, the Court may sentence the offender to be placed at an appropriate Community Residence for such period as may be specified in the sentence and the Court may impose further conditions as it sees fit.

(2) Notwithstanding any other provision of this Act, where a sentence under subsection (1) is passed, a child so placed shall be deemed to be in legal custody.

Provisions as to discharge of children and detained in accordance with directions of Minister.

97. (1) A child who was placed pursuant to the directions of the Court under sections 94(2) and 96 (1) may, at any time, be discharged by the Court on licence.

(2) A licence may be in such form and may contain such conditions as the Court may direct.

(3) A licence may at any time be revoked or varied by the Court, and, where a licence has been revoked, the child to whom the licence related shall return to such place as the Court may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Provisions as to custody of children

98. (1) The order committing a child to a Community Residence shall be sufficient authority for such detention and shall be delivered with the child to the person in charge thereof.

(2) A child whilst so placed and whilst being conveyed to and from the community residence shall be deemed to be in legal custody of that Community Residence.

(3) A child who escapes from legal custody referred to subsection (2) may be apprehended without warrant and returned to the Community Residence .

Court order may provide for the guardian or parent to have access to child etc

99. (1) An order made by any Court pursuant to this Part or any other Part under this Act may also provide for –

(a) access to the child by a parent or legal guardian; and

(b) for supervision and monitoring of the order in such manner as is specified in the order .

(2) Every order made pursuant to subsection (1) shall be in writing and may be made by the court in the absence of the child.

Minister to
make Rules for
community
residences on
the advice of
the Authority

100. The Minister may make rules on the advice of the Authority pertaining to the places of detention, with respect to-

- (a) the buildings or residences that may be used
- (b) the inspection of these places
- (c) the classification of children ;
- (d) the treatment of children;
- (e) the employment of children ;
- (f) the control of children ;
- (g) the visitation procedures for children ; and

any other matter that may be necessary for the purposes of the Act

Juvenile Courts
and its
proceedings

101. (1) A Court-

- (a) when hearing charges against children; or
- (b) when hearing applications relating to a child at which the attendance of the child is required,

shall, unless the child is charged jointly with any other person not being a child, sit-

- (i) in a different building;
- (ii) in a different room from that in which the ordinary sittings of the Court are held;
- (iii) on different days; or

(iv) at different times,

from those at which the ordinary sittings are held.

(2) A Court so sitting is in this Act referred to as a Juvenile Court.

(3) Where, in the course of any proceedings in a Juvenile Court, it appears to the Court that the person charged or to whom the proceedings relate is eighteen years of age or upwards nothing in this section shall be construed as preventing the Juvenile Court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case.

(4) A person who appears to be under eighteen years of age shall not be allowed to associate with adults charged with any offence –

(a) whilst being conveyed to or from Court; or
(b) whilst waiting before or after their attendance in Court,
and provisions should be made to effect the same.

(5) For the purpose of proceedings in the Juvenile Court, no persons other than –

(a) the Magistrate and officers of the Court;
(b) the parties to the case and their attorneys-at-law; and
(c) other persons directly concerned in the case,
shall, except by leave of the Court, be allowed to attend.

(6) Representatives of the media shall be excluded from the Juvenile Court except by special order of the Court.

(7) No person shall publish the name, address, photograph, Community Residence where the child is placed or anything likely to lead to the identification of the child before the Court, save with the permission of the Court or in so far as required by this Act.

(8) A person who contravenes subsections (7) is liable, on summary conviction, to a fine of fifty thousand dollars.

Right of
parent, etc. to
administer
punishment

102. (1) Subject to subsection (2), nothing in this Part shall be construed as taking away or affecting the right of any parent, teacher, or other person having the lawful control or charge of a child to administer reasonable punishment to such child.

(2) Reasonable punishment referred to in subsection (1), in relation to a teacher, does not include corporal punishment.

PART XI RESTRICTIONS ON EMPLOYMENT OF CHILDREN

Interpretation

103. In this Part—

“employ” and “employment” include employment in any labour exercised by way of trade or for the purposes of gain,

whether the gain be to the child or to any other person;

“industrial undertaking” includes particularly—

- (a) mines, quarries and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including ship building, and the generation, transformation, and transmission of electricity and motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork or other work of construction, as well as the preparation for or laying the foundations of any such work or structure; and
- (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses but excludes transport by hand;

“night” signifies a period of at least eleven consecutive hours, including the interval between ten o’clock in the evening and five o’clock in the morning.

President may define industrial undertakings

104. The president may by Order define the line of division which separates industry from commerce and agriculture, and declare any particular undertaking to be an industrial undertaking for the purposes of this Part.

.Restrictions on employment at night of persons under eighteen years

105. (1) Any employer who employs a person under the age of eighteen years at night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family of the proprietor or owner are employed, and other than as provided in subsection (2), is guilty of an offence

(2) A child between the ages of fourteen and sixteen years may be employed in a family business at night up to eight o'clock in the evening only.

(3) Persons over the age of sixteen years may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

- (a) manufacture of raw sugar; and
- (b) any other undertaking which may be declared to come under the exception created by this subsection by Order of the President.

Restrictions on employment of a child under the age of sixteen years

106. (1) A child under the age of sixteen years shall not be employed or work in any public or private undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed; and any person who employs any such child or permits him to work in contravention of this section is guilty of an offence.

(2) This section shall not apply to work done by—

- (a) a child in school for general, vocational or technical education or in other training institutions; or
- (b) a child at least fourteen years of age in undertakings, provided that the work is carried out in accordance with conditions prescribed by the Minister with responsibility for education, after consultation with the organizations of employers and workers concerned and the work is an integral part of—
 - (i) a course of education or training for which a school or training institution is primarily responsible;
 - (ii) a programme of training mainly or entirely in an undertaking, which programme has been approved by the Minister with responsibility for education; or
 - (iii) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Employers to keep register of persons under the age of eighteen years

107. (1) All employers shall keep and maintain a register of every child employed by them, as well as the name, address, and date of birth of every such person.

(2) The register shall on request by an inspector of the Ministry with responsibility for labour be produced for inspection at any reasonable hour of any working day.

(3) An employer who fails to comply with this section is liable, on

summary conviction, to a fine of two thousand five hundred dollars and to imprisonment for six months.

Inspectors

108. (1) The Minister to whom responsibility for labour is assigned may designate in writing a suitably qualified public officer as an inspector in his Ministry.

(2) An inspector shall have the authority to require a parent or guardian or an employer or any other person authorized by an employer, except a person engaged in a confidential and professional relationship with that employer—

- (a) to give him information with respect to remuneration paid to, and the terms and conditions of service enjoyed by, a **child** in the service of that employer; and
- (b) to permit him to inspect any record, pay sheet or certificate or representation of age relating to a person **child**.

Powers of entry

109. (1) An inspector may at a reasonable time and with the permission of the owner or occupier of any premises, enter the premises where a **child** is employed or where there is any book, record or other document relating to **child** which may afford evidence as to the contravention of any provision of this Act and—

- (a) if necessary, with the assistance of any person, search the premises for any book, record, certificate or representation of age or other document; and
- (b) examine such book, record, certificate or other document.

(2) Where during the course of the examination under subsection (1), it appears to the inspector that there has been a contravention of this Act, he may—

- (a) require the parent, guardian, employer, or any other person in the service of that employer to give him all reasonable assistance with, and to answer all questions relating to, the examination; or
- (b) seize and take away any book, record, electronic or otherwise, or other document, relating to a child and retain them until they are required to be produced in any proceeding; but where such book, record or other document is necessary for the continued operations of the business, an employer shall be allowed reasonable access to them.

(3) An inspector shall not demand entry to any premises under subsection (1) except on the warrant of the Industrial Court established under the Industrial Relations Act.

(4) Where it is shown to the satisfaction of a Judge, on sworn information in writing, that admission to premises has been refused or withheld

and that there is reasonable ground for entry into the premises for any purpose stated in subsection (1), the Judge may, subject to subsection (5), by warrant under his hand, authorize entry on the premises.

(5) A Judge shall not issue a warrant under subsection (4) unless he is satisfied either that written notice of the intention to apply for a warrant has been given to the occupier; or that the giving of such notice would defeat the object of the entry.

(6) Where an inspector enters any premises by virtue of this section he may take with him any other person as may be necessary to effect the purpose of his entry.

(7) A warrant issued under this section shall continue in force for such reasonable time as may be necessary to effect the purpose for which it was issued.

(8) A person who obstructs any person doing anything that he is authorized to do under this section or any person who, unless he is unable to do so, fails or refuses to do anything which he is required under this section to do, commits a contempt of the Industrial Court established under the Industrial Relations Act, and shall be dealt with as such by that Court as provided under the Industrial Relations Act.

(9) In this section, "Judge" means the President or Vice- President of the Industrial Court.

Neglectful parent

110. A parent or guardian who conduces to the employment of a child under the age of sixteen years through wilful default, or by habitually neglecting to exercise due care, commits an offence.

Liability of agent or employer

111. Where the offence of taking a child under sixteen years of age into employment is committed by an agent or workman of the employer, the agent or workman commits an offence as if he were the employer.

False certificate or representation of age

112. Where a child under sixteen years of age is taken into employment on the production, by or with the privity of the parent or guardian, of a false or forged certificate, or on the false representation by his parent or guardian that the child is not sixteen years of age, the parent or guardian commits an offence.

Presumption of age.

113. If in a charge for an offence under this Part it is alleged that the child in respect of whom the offence was committed was under sixteen years of age at the date of the commission of the alleged offence, he shall for the purposes of this Part be presumed at that date to have been sixteen years of age unless the contrary is proved.

Penalty

114. A person who commits an offence under this Part is liable on summary conviction to a fine of twelve thousand dollars and to imprisonment for twelve months.

PART XII MISCELLANEOUS AND GENERAL

Power to clear court whilst child is giving evidence in certain cases.

115. (1) In addition and without prejudice to any powers which a Court may possess to hear proceedings *in camera*, the Court may, where a person who, in the opinion of the Court, is a child is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, direct that all or any persons, not being officers of the Court or parties to the case, their attorneys-at-law, or persons otherwise directly concerned in the case, be excluded from the Court during the taking of the evidence of the child.

(2) Nothing in this section shall authorise the exclusion of *bona fide* representatives of the media but the Court may direct that the child's name and any other information which may identify the child or his whereabouts shall not be published.

Prohibition on children being present in court during the trial of other persons.

116. No child under sixteen years of age, other than an infant in arms, shall be permitted to be present in Court during the trial of any person charged with an offence, or during any proceedings preliminary thereto, without the express permission of the judge, magistrate or other judicial officer presiding and if so present without that permission, he shall be ordered to be removed, unless he is the person charged with the alleged offence, or during such time as his presence is required as a witness or otherwise for the purposes of justice.

Presumption and determination of age.

117. (1) Where a person, charged with an offence is brought before any Court, and it appears to the Court that he is a child, the Court shall make due enquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case.

(2) An order or judgment of the Court referred to in subsection (1) shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the Court, and the age presumed or declared by the Court to be the age of the person so brought before it shall, for the purposes of Part VIII, be deemed to be the true age of that person.

(3) Where a person is brought before any Court, for the purpose of giving evidence, and it appears to the Court that he is a child, the Court shall make due enquiry as to the age of that person, and for that purpose shall take such evidence

as may be forthcoming at the hearing of the case.

(4) An order or judgment of the Court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the Court, and the age presumed or declared by the Court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person,

(5) Where, in a charge or indictment for an offence under this Act, or any of the offences mentioned in the First Schedule it is alleged that the person by or in respect of whom the offence was committed was a child or was under or above any specified age, and he appears to the Court to have been at the date of the commission of the alleged offence a child or to have been under or above the specified age, as the case may be, he shall, for the purposes of this Act, be presumed at that date to have been a child or to have been under or above that age, as the case may be, unless the contrary is proved.

(6) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it shall be a defence to prove that the person was actually of or over that age.

Recovery of penalties

118. (1) Except where otherwise expressly provided, all offences under this Act may be prosecuted, and all penalties incurred may be imposed or recovered, in the manner provided by the Summary Courts Act or the Family Court Act.

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(2) All orders of a Magistrate under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in the manner provided by the Summary Courts Act or the Family Court Act.

(3) Any party to such proceedings who thinks himself aggrieved by the order or decision of a Magistrate under this Act may appeal from such order or decision in the manner provided by the Summary Courts Act or the Family Court Act.

Approved by Parliament

119. The Rules Committee established by section 77 of the Supreme Court of Judicature Act, may, subject to negative resolution of Parliament make rules for this Act.

Transitional

120. Where before the commencement of this Act, the High Court or a Magistrate is vested with jurisdiction to make an order or to enforce, renew, vary, suspend, revive, cancel or discharge any order in respect of a family matter and, by virtue of this Act such jurisdiction vests in the Family Court, the jurisdiction shall be exercisable by the Family Court.

121. The Children Act is hereby repealed.

FIRST SCHEDULE

Any offence under—

- (a) the Sexual Offences Act;
- (b) sections 21 and 48 of the Offences Against the Person Act, and any offence against a child under section 6 of that Act; and
- (c) section 4 or 5 of the Summary Offences Act..

SECOND SCHEDULE

PART A

PARENTAL RIGHTS

Every biological or adoptive parent of a child in Trinidad and Tobago has rights in respect of that child under the laws of Trinidad and Tobago including but not limited to—

1. the right to give the child a name of the parent's choice;
2. the right to pass on the nationality of the parent to the child;
3. the right not to be separated from the child without the parent's consent unless the relevant Authorities decide that this would be in the best interest of the child;
4. the right to provide religious direction and guidance to the child;
5. the right to request the State's assistance in caring for the child where the parents are unable to do so themselves;
6. the right to send the child to a State-supported school at the State's expense, or to a private or denominational school at the parent's own expense.

PART B

Every person in Trinidad and Tobago who is a parent of a child, or who acts in *loco parentis*, has responsibilities under the law in respect of the parenting function including but not limited to—

1. the responsibility to register the birth of the child with the relevant authorities;

2. the responsibility, within the parents' abilities and financial capacities, to secure the conditions of living adequate for the child's physical, mental, spiritual and moral development;
3. the responsibility to send the child to school, or to provide for education at home of an equal standard;
4. the responsibility to guide and direct the child without the use of any cruel, inhuman or humiliating punishment;
5. the responsibility to ensure that the child has time for rest, recreation, creative expression and play;
6. the responsibility not to arbitrarily interfere with the child's privacy;
7. the responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parents' care;
8. the responsibility to make arrangements for the care of the child when the parent is absent from the child;
9. the responsibility to ensure that the child under the age of twelve years is not engaged in labour.

PART C

Every person under the age of eighteen years, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to—

1. the right to live, survive and grow;
2. the right to be registered at birth or upon adoption, and to be a citizen of Trinidad and Tobago;
3. the right not to be discriminated against under the law on the basis of age, race, origin, colour, religion or sex;
4. the right not to be discriminated against or punished because of the beliefs or actions of one's family members;
5. the right to know and, as far as possible, to be cared for by one's parents;
6. the right not to be separated from one's parents against one's will, other than by a Court of law;

7. the right to privacy in one's own family, home, and in respect of one's correspondence;
8. the right to hold ideas of one's own, including religious beliefs and to express those views freely in matters affecting themselves;
9. the right to associate with other people for a peaceful purpose;
10. the right not to be treated with violence by a family member, a teacher, a public officer or by any other person;

11. the right to free education up to the age of twelve;
12. the right not to have to work at anything that is dangerous or that will interfere with education;
13. where the child has broken the law and is in custody, the right not to be subjected to, inhuman or degrading punishment. A child under the age of eleven giving evidence in a Court matter shall not be subject to the laws governing perjury and shall have the option of giving evidence by electronic means;
14. the right not to be subject to capital punishment, nor to life imprisonment without the possibility of release;
15. the right of a child offender not to be placed in custody with adult prisoners.

PART D

Every person under the age of eighteen years in Trinidad and Tobago, having the special protection under the law granted to a child, has responsibilities under the law which shall be observed subject to their age and understanding but not limited to—

1. respect and to obey the law;
2. not to take or to harm the property of other people without that person's permission;
3. to learn about human rights and to respect the rights of others;
4. to respect the guidance of parents, except where the law says otherwise;
5. to attend school until the age of twelve;
6. to learn about and respect one's culture, language and country;
7. to express one's views about matters which affect oneself;
8. to respect the environment;
9. to respect one's own religious beliefs and the religious beliefs of others.

Passed in the House of Representatives this _____ day of _____, 2007.

Clerk of the House

I confirm the above.

