

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment to section 2 of principal Act
3. Insertion of new sections 10A to 10P to principal Act
4. Amendment to section 11 of principal Act



GRENADA

ACT NO. 24 OF 2017**I assent,**

CÉCILE E. F. LA GRENADE

*Governor-General.**29th September, 2017.*

AN ACT to amend the Juvenile Justice Act No. 24 of 2012.

[6th October, 2017].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

1. This Act may be cited as the

Short title.

JUVENILE JUSTICE (AMENDMENT) ACT, 2017,

and shall be read as one with the Juvenile Justice Act No. 24 of 2012, hereinafter referred to as the “principal Act”.

2. Section 2 of the principal Act is amended as follows—

Amendment to section 2 of principal Act.

(a) by inserting in the appropriate alphabetical order the following new definition—

““Center” means the Grand Bacolet Juvenile Rehabilitation and Treatment Center established under section 10A;”;

- (b) in the definition of “secure residential facility” by inserting after the word “means” the words “the Center or”.

Insertion of new sections 10A to 10P to principal Act.

3. The principal Act is amended in Part IV before section 11 by inserting the following new sections—

“Establishment of Grand Bacolet Juvenile Rehabilitation and Treatment Center.

10A. (1) There is hereby established a secure residential facility to be known as the Grand Bacolet Juvenile Rehabilitation and Treatment Center.

(2) The Center shall be a body corporate to which section 49 of the Interpretation Act shall apply.

Functions of the Center.

10B. (1) The principal functions of the Center shall be to receive and rehabilitate children that have been sentenced to its custody.

(2) In addition to the function specified in subsection (1), the Center shall have the following additional functions—

- (a) to promote the safety, welfare and well-being of children in its custody;
- (b) to establish, with the approval of the Minister, policies and procedures respecting safety, welfare

and well-being of children in its custody;

- (c) to oversee the operation and delivery of services in its custody;
- (d) to take appropriate measures at all times to ensure confidentiality of the records of children in its custody;
- (e) to advise the Minister on guidelines for secure residential facilities in giving effect to this Act;
- (f) to perform such other functions as may be necessary to carry out the provisions of this Act or as may be determined by the Minister.

Establishment
and composition
of Board.

10C. (1) The affairs of the Center shall be managed by a Board.

(2) The Board shall be appointed by the Minister and shall consist of the following persons—

- (a) the Permanent Secretary in the Ministry responsible for Social Development or his or her nominee;
- (b) the Director of the Child (Protection) Authority or his or her nominee;

- (c) a police officer not below the rank of Inspector;
- (d) the Solicitor-General or his or her nominee;
- (e) a senior officer from the Ministry with responsibility for Youth;
- (f) a senior officer from the Ministry with responsibility for Education;
- (g) a representative of the Grenada National Coalition on the Rights of the Child;
- (h) a medical practitioner appointed pursuant to the provisions of the Health Practitioners Act;
- (i) a person with a financial background; and
- (j) two persons of good standing in the community.

(3) A person appointed under subsection (2) (a) shall be an *ex officio* member of the Board.

(4) The Minister shall appoint a Chairperson and a Deputy Chairperson to the Board from amongst the membership of the Board.

Tenure.

10D. (1) Subject to subsection (2), a member of the Board appointed under paragraphs (g) to (j) of section 10C (2) shall hold office for a

period not exceeding three years and shall be eligible for re-appointment.

(2) A person shall be disqualified from being a member of the Board and shall not become or continue to be appointed as a member of the Board if the person has—

- (a) been declared bankrupt;
- (b) been declared by the Court to be physically or mentally incapacitated by reason of unsoundness of the mind;
- (c) been convicted of a criminal offence except where the offence is a minor traffic offence; or
- (d) been convicted of an offence pursuant to the provisions of this Act;
- (e) been found guilty of misconduct which is related to the performance of his or her functions under this Act;
- (f) been absent, in the case of the Chairperson without leave granted by the Minister and in the case of a member, without leave granted by the Chairperson, from four consecutive meetings of the Board; or
- (g) has become incapable, wilful or otherwise of carrying out his or her

functions pursuant to the provisions of the Act; or

(h) has resigned his or her office by written notice to the Minister.

(3) The appointment of a member shall not be terminated unless the member has been given a reasonable opportunity to make representations.

(4) A member may resign by giving written notice to the Chairperson.

(5) Notwithstanding subsection (4), a Chairperson may resign by giving written notice to the Minister.

(6) The names of the members as first constituted and every change in the membership thereafter shall be published in the *Gazette*.

Functions of the Board.

10E. (1) Subject to the provisions of this Act, the Board shall be responsible for the management of the affairs of the Center.

(2) It shall be the responsibility of the Board to provide such policy guidance and advice to the Center in order to ensure the efficient implementation of the functions of the Center under this Act.

(3) The Board shall be responsible to the Minister in the exercise of its functions under the Act.

(4) The Minister may issue such directions to the Board in relation to policy matters affecting the Center and the Board shall ensure that these directions are complied with.

Remuneration. 10F. The Chairperson and other members of the Board shall be paid such remuneration, fees and allowances as the Minister may determine.

Filling of vacancies. 10G. (1) Where a member of the Board has resigned, or is by reason of illness unable to perform the functions of his or her office, the Minister shall subject to subsection (2), appoint another person to be a member of the Board.

(2) Where a person is appointed to fill a vacancy that has arisen under subsection (1), that person shall hold office for the remainder of the term of the previous member and shall, subject to the provisions of this Act, be eligible for re-appointment.

Meetings. 10H. (1) The Board shall hold its first meeting on such date and such place as the Board may determine and shall subsequently thereafter meet at least once every month.

(2) The Chairperson shall preside at all meetings of the Board where he or she is present and, in his or her absence the members present may elect one of their members to preside.

(3) The quorum of a meeting of the Board shall be seven.

(4) Each member of the Board shall have one vote but in the case of an equality of votes the Chairperson shall have a casting vote.

(5) Where a member of the Board has an interest, directly or indirectly, in any matter before the Board in which his or her private capacity conflicts with his or her duties as a member and which matter is a subject of consideration by the Board, the member shall, as soon as practicable after becoming aware of the interest in the matter, disclose his or her interest to the Chairperson.

(6) Notwithstanding subsection (4), a member referred to in subsection (5) shall not, unless otherwise decided by the Board, take part in the consideration of the matter and, if allowed to take part in the consideration of the matter, he or she shall not vote on the matter.

Appointment of
Committees.

10I. (1) The Board may for the purpose of performing its functions pursuant to the provisions of the Act, establish committees and delegate to such committees such functions as the Board considers necessary or expedient.

(2) The Board may appoint persons as members of a committee who are not members of the Board or who are not employees of the Center and such persons shall hold office for such period as the Board may determine save and except that the Chairperson of such committee shall be a member of the Board.

Powers of the Board.

10J. In the discharge of its functions under the Act, the Board may—

- (a) request any member of staff of the Center to furnish it with any information, reports or other documents which the Board considers necessary for the performance of its functions;
- (b) give instructions to the General Manager with respect to the management and performance of the functions of the Center; or
- (c) on the recommendation of the General Manager, approve such organisational structures as the General Manager may consider necessary for the efficient discharge of the functions of the Center.

Appointment of General Manager.

10K. (1) The Board shall appoint a General Manager, on such terms and conditions as it thinks fit.

(2) The General Manager shall be responsible for the management of the affairs of the Center and shall in doing so, promote the development of procedures and protocols with government representatives and agencies to promote the care and protection of children and shall ensure that these procedures and protocols are implemented and renewed regularly.

(3) Without limiting the generality of subsection (1), the General Manager shall have the following duties—

- (a) to assume the custody and responsibility of children at the Center pursuant to the provisions of this Act;
- (b) to submit to the Board an annual review of the work of the Center;
- (c) to advise the Board, the Minister and any other person on matters relating to rehabilitation at the Center; and
- (d) to exercise the powers and duties required by this Act and such other powers and duties as the Minister or Board may direct.

(4) For the purposes of discharging his or her duties under subsections (2) and (3), a General Manager shall be present at all meetings of the Board, unless he or she has obtained leave of absence from the Chairperson or is incapacitated by illness or other cause from attending.

Staff of the
Center.

10L. (1) The Board may appoint on such terms and conditions as it thinks fit, such officers and employees as may be required for the proper and efficient discharge of the Center of its functions under this Act.

(2) An employee of the Center shall be under the administrative control of the General Manager for the Center.

Delegation.

10M. (1) The General Manager may delegate to an employee of the Center any of his or her powers under this Act other than the power of delegation given to him or her under this section.

(2) A reference in this Act to a power or duty of the General Manager shall, unless otherwise specified, include a reference to a power or duty of a person so delegated pursuant to subsection (1) of this section, within the limits of the delegation.

(3) A power or a duty delegated by a General Manager under this section shall not be sub-delegated.

(4) Nothing in this section shall operate to diminish or derogate from the powers and duties of a General Manager pursuant to the provisions of this Act.

Funds of the
Center.

10N. (1) The funds of the Center shall consist of-

- (a) moneys appropriated for the purposes of the Center by Parliament; or
- (b) grants made to the Center by any other body.

(2) The Center shall keep proper books of accounts and proper records in relation thereto and such accounts, books and records shall be in the form approved by the Director of Audit.

(3) The financial year of the Center shall be the same as the financial year of the Government.

(4) The books and accounts of the Center shall each year be audited by the Director of Audit or by an auditor appointed or authorised by the Director of Audit, who shall submit a report on each audit to the Center.

Annual reports.

100. (1) The General Manager shall, within three months after the end of each financial year, submit for the approval of the Board an annual report of the activities, operations, undertakings, property and finances of the Center for that year.

(2) Subject to subsection (1), an annual report shall include a copy of the audited accounts of the Center with the report under section 10N (4).

(3) A copy of the annual report approved by the Board shall be sent to the Minister not later than six months after the end of the year to which the report relates and the Minister shall, as soon as possible, but not later than one month of the receipt thereof, lay the report before Parliament.

General
Manager's
request for
services from
other agencies.

10P. (1) In deciding what action should be taken to promote the care and protection of a child, the General Manager may request a government department or an agency in receipt of government funding, to provide services to a child that has been sentenced to the custody of the Center.

(2) A government department or an agency to which a request is made under subsection (1), shall use its best endeavours to comply with a request made to it under subsection (1) where such a request is consistent with its own responsibilities and does not unduly prejudice the discharge of its function.”.

4. The principal Act is amended by repealing section 11 and substituting therefor the following new section—

Amendment to section 11 of principal Act.

“Establishment or certification of other secure residential facilities.

11. (1) Without prejudice to sections 10A to 10P, the Minister may establish and maintain, either by his or her Ministry or pursuant to an agreement with a voluntary organisation, a secure residential facility as may be required for the reception and rehabilitation of a child that has been sentenced.

(2) Where the Minister is of the opinion that any institution other than a secure residential facility established pursuant to subsection (1), is fit for the reception of a child that has been sentenced, the Minister shall certify the institution as a secure residential facility.

(3) The Minister may make rules to provide for the management of a secure residential facility established or certified under this section, including the standards and various types of services to be provided by the facility which are necessary for the rehabilitation and social integration of a child.

(4) The rules made under subsection (3) may also provide for the management, classification and separation of a child on the basis of age and the nature of the offence committed by the child and his or her physical and mental status.”.

Passed by the House of Representatives this 8th day of September, 2017.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 15th day of September, 2017.

WILLAN A. THOMPSON
Clerk to the Senate.