

Subsidiary Legislation made under s.226.

Attendance Centre Rules

1961.12.21-1

Commencement

1.1.1962

Amending
enactments

Relevant current
provisions

Commencement
date

Regs of 28.5.1970 r. 3

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SCHEDULE.

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1. These rules may be cited as the Attendance Centre Rules.

Interpretation.

2. In these Rules, unless the context otherwise requires,—

“centre” has the meaning assigned to it in rule 3;

“member of the staff” means any person, other than the officer in charge, for the time being carrying out any instructional or supervisory duties at the centre;

“officer in charge” includes any person for the time being in charge of the centre;

“order” means an order made by a court under section 210 of the Act requiring an offender to attend at the centre.

Establishment of attendance centre.

3. The Fire Station at 8, Grand Parade, shall be an attendance centre (hereinafter called “the centre”) for the reception of persons who appear to a court at the time when the order is made to be not less than twelve but under twenty-one years of age, and the Chief Fire Officer shall be the officer in charge of the centre.

Occupation and instruction.

4. The occupation and instruction given at the centre shall be such as to occupy the persons during the period of attendance in a manner conducive to health of mind and body.

Duties of officer in charge.

5.(1) The officer in charge shall maintain a register in which shall be recorded in respect of each person—

(a) every attendance or failure to attend;

(b) the duration of each attendance; and

(c) the commission of any breach of these rules and the manner in which it is dealt with.

(2) Subject to the provisions of rule 11, it shall be the duty of the officer in charge to ensure that any person who has not completed the period of attendance specified in the order shall before leaving the centre, be informed, both orally and in writing, of the day and time when he is next required to attend at the centre.

Attendance.

6.(1) Persons shall attend at the centre,—

- (a) on the first occasion, at the time specified in the order; and
- (b) on any subsequent occasion, at such time as may be notified to them in accordance with rule 5(2),

and on attending shall report to, and place themselves under the direction of the officer in charge.

(2) The occasions of a person's attendance at the centre and the duration of each attendance shall, so far as practicable and subject to the provisions of rule 11, be so arranged by the officer in charge that the duration of attendance on any occasion is not less than one hour.

Admission to centre.

7. No person, other than a person on an occasion when he is required to attend in pursuance of an order, shall be admitted to, or remain in, the centre except with the permission of the officer in charge.

Unfitness for attendance.

8.(1) The officer in charge may at any time require a person attending at the centre to leave it if, in the opinion of the officer, that person is—

- (a) so unwell as to be unfit to remain at the centre on that occasion; or
- (b) infested with vermin or suffering from any infectious disease or otherwise in a condition likely to be detrimental to other persons attending at the centre.

(2) Where a person is so required to leave, he shall be instructed in accordance with rule 5(2) as to his further attendance at the centre.

Discipline.

9. The discipline of the centre shall be maintained by the personal influence of the officer in charge and members of the staff.

Persons attending to obey orders, etc.

10. Persons shall, while attending at the centre, conduct themselves in an orderly manner and shall obey any order given or instruction issued by the officer in charge or any member of the staff.

Procedure on a breach of rules by a person attending.

11.(1) Any person committing a breach of these rules may be required to leave the centre at any time.

- (2) Where a person is so required to leave, he shall either—
 - (a) be instructed in accordance with rule 5(2) as to his further attendance at the centre; or
 - (b) be informed, both orally and in writing, that he is not required to attend at the centre again and that it is intended in respect of the breach to take steps to bring him before the court which made the order.

Separation and change of occupation for persons attending.

12. Without prejudice to the generality of rule 11, the officer in charge or any member of the staff may deal with a person committing a breach of these rules in either or both of the following ways—

- (a) by separating him from other persons;
- (b) by giving him a less attractive form of occupation, during the whole or any part of the period of attendance specified in the order then remaining uncompleted.

Payment of fines.

13.(1) When a person is ordered to attend at the centre in default of payment of a sum of money, payment may be made—

- (a) of the whole of the sum, to the court which made the order;
- (b) of the whole or any part of the sum to the officer in charge:

Provided that the officer in charge shall not be required to receive payment of part of the sum unless it is an amount required to secure a reduction of one hour, or some multiple thereof, in the period of attendance specified in the order.

(2) The court shall, on receiving any payment under subrule (1), forthwith notify the officer in charge.

(3) The officer in charge shall pay any money received by him under subrule (1) to the court which made the order and shall note the receipt thereof in the register kept at the centre.

Forms.

14. The forms contained in the Schedule or forms to the like effect may be used with such variation as the circumstances may require, in connection with proceedings when a court makes an order under section 220 of the Act ordering a person to attend at the centre.

SCHEDULE

Rule 14

FORM 1.

ATTENDANCE CENTRE ORDER.

(Criminal Procedure Act, Section 226).

Before the Juvenile Court (or the Magistrates' Court) for Gibraltar.

A. B. (hereinafter called the defendant) who appears to the court to be a person of not less than twelve years of age and not more than twenty-one years of age, having been born, so far as has been ascertained, on the day of 20 , has this day (having consented to be dealt with summarily) been found guilty of an offence punishable in the case of an adult with imprisonment, for that he/she on the day of 20 , in Gibraltar did (*state offence*)

It is ordered that the defendant do attend at the attendance centre at (*here insert address of centre*) on the first occasion on the day of 20 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre, until he/she shall have completed a period of attendance of hours.

Dated this day of 20 .

Justice of the Peace for Gibraltar.

FORM 2.

ATTENDANCE CENTRE ORDER ON BREACH OF REQUIREMENT OF PROBATION
ORDER.

(Criminal Procedure Act, Section 226).

Before the Juvenile Court (or the Magistrates' Court) for Gibraltar.

A. B. (hereinafter called the defendant) who appears to the court to be a person of not less than twelve years of age and not more than twenty-one years of age, having been born so far as has been ascertained, on the day of 20 , was on the day of 20 , found guilty by the Juvenile Court (or Magistrates' Court) for Gibraltar of *(state offence)* and on the said date the court made a probation order requiring him/her for the period of years then next ensuing to be under the supervision of a probation officer and further requiring him/her *(here set out requirement which is contravened)*.

And the defendant has this day appeared (or been brought) before the court and the court is satisfied that he/she has failed to comply with the last-mentioned requirement of the order inasmuch as *(here set out particulars of breach)*.

It is ordered that the defendant in respect of his/her failure to comply with the said requirement to attend at the attendance centre at *(here insert address of centre)* on the first occasion on the day of 20 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the centre, until he/she shall have completed a period of attendance of hours.

Dated this day of 20 .

Justice of the Peace for Gibraltar.

FORM 3.

ATTENDANCE CENTRE ORDER ON NON-PAYMENT OF SUM OF MONEY.

(Criminal Procedure Act, Section 226).

Before the Juvenile Court (or Magistrates' Court) for Gibraltar.

	£	
Fine	_____	
... Compensation		
Costs	_____	
Total	_____	
Part payments	_____	
Balance	_____	
Hours of attendance in default	_____	

A. B. (hereinafter called the defendant) who appears to the court to be a person of not less than twelve years of age and not more than twenty-one years of age, was on the day of 20, found guilty by the Juvenile Court (or Magistrates' Court) for Gibraltar of (state offence)

And the defendant having (paid part of the said sum, to wit, the amount of , but having) made default in payment (of a balance of):

It is ordered that the defendant do attend at the attendance centre at (here insert address of centre) on the first occasion on the day of 20, at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the centre until he/she shall have completed a period of attendance of hours, unless the said sum (or balance) be sooner paid.

Dated this day of 20 .

Justice of the Peace for Gibraltar.

FORM 4.

ORDER ON FAILURE TO COMPLY WITH ATTENDANCE CENTRE ORDER OR ON COMMISSION OF BREACH OF ATTENDANCE CENTRE RULES.

(Criminal Procedure Act, Section 226).

Before the Juvenile Court (or Magistrates' Court) for Gibraltar.

A. B. (hereinafter called the defendant) who appears to the court to be a person of not less than twelve years of age and not more than twenty-one years of age, was on the day of 20 , found guilty by the Juvenile Court (or Magistrates' Court) for Gibraltar of (*state offence*)

And on the said date the court made a probation order requiring him/her for the period of years then next ensuing to be under the supervision of a probation officer and further requiring him/her (*here set out requirement which was contravened*).

And on the day of 20 , the defendant appeared (or was brought) before the court and the court was satisfied that he/she had failed to comply with the last-mentioned requirement of the said probation order in as much as (*here set out particulars of breach*).

or And on the said date the court ordered him/her to pay (*state the adjudication*).

And the defendant having (paid part of the sum to wit, the amount of but having) made default in payment (of a balance of):

It was on the said date (or on the day of 20) ordered by the court that the defendant (in respect of his/her failure to comply with the said requirement) should attend at the attendance centre at (*here insert address of centre*) on the first occasion on the day of 20 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the centre, (until he/she should have completed a period of attendance of hours) unless the said sum (or balance) should have been sooner paid.

And the defendant has this day appeared (or been brought) before the court and the court is satisfied that he/she did on the day of 20 , fail without reasonable excuse to attend at the centre, in accordance with the order or while attending at the centre commit a breach of the Attendance Centre Rules, which could not be adequately dealt with under those rules, namely (*here set out particulars of breach*).

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It is ordered that the said attendance centre order be revoked and that the defendant for the offence in respect of which the attendance centre (or probation) order was made or in respect of his/her failure to comply with the above-mentioned requirement of the said probation order or in respect of his/her default in payment of the said sum (or balance) (*set out the order*).

Dated this day of 20 .

Justice of the Peace for Gibraltar.