



# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

VOL. 55

Caroni, Trinidad, Tuesday 1st November, 2016—Price \$1.00

No. 127

1758



**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**JUDGES' RULES FOR CHILDREN, 2016**

## JUDGES' RULES FOR CHILDREN, 2016

As is made clear by the Judges, the Judges' Rules for Children are to be treated as a code of practice for the guidance of the Police.

The Judges' Rules for Children, which have been made by the Judges as a guide to police officers conducting investigations and instituting criminal prosecutions, should constantly be borne in mind, as should the general principles which the Judges have set out before the Rules. But in addition to complying with these Rules, police officers should always try to be fair to the child and scrupulously avoid any method which could be regarded as in any way unfair or oppressive.

Persons other than police officers charged with the duty of investigating offences or charging offenders shall, so far as may be practicable, comply with these Rules.

These Rules do not affect the principles that—

- (a) citizens have a duty to help a police officer to discover and apprehend offenders;
- (b) police officers, otherwise than by arrest, cannot compel any person against his will to come to or remain in any police station;
- (c) every person, at any stage of an investigation, should be able to communicate and to consult privately with an Attorney-at-law. This is so even if he is in custody provided that in such a case no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice in doing so;
- (d) when a police officer who is making enquiries of any person about an offence has enough evidence to prefer a charge against that person for the offence, he should without delay cause that person to be charged or informed that he may be prosecuted for the offence;
- (e) that it is a fundamental condition of the admissibility in evidence against any person, equally of any oral answer given by that person to a question put by a police officer and of any statement made by that person, that it shall have been voluntary, in the sense that it has not been obtained from him by fear of prejudice or hope of advantage, exercised or held out by a person in authority, or by oppression.

The Principle set out in paragraph (e) above is overriding and applicable in all cases.

Registrar and Marshal  
Supreme Court of Judicature

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**Contents**

JUDGES' RULES FOR CHILDREN, 2016.....	2
General and Application .....	6
Principles relating to a child .....	6
Definitions.....	8
Consent principles.....	9
RULE I.....	11
STOP AND SEARCH OF A CHILD .....	11
A. General principles of stop and search .....	11
B. Procedure.....	13
RULE II .....	15
QUESTIONING BEFORE SEARCH OF A CHILD .....	15
A. General principles .....	15
RULE III.....	17
NON-INTIMATE SEARCH OF A CHILD .....	17
A. Definition .....	17
B. Procedure.....	17
RULE IV .....	19
INTIMATE AND STRIP SEARCH OF A CHILD.....	19
A. Definitions.....	19
B. Procedure.....	19
C. General principles of a strip search of a child.....	22
D. Authorisation and procedure of a strip search of a child .....	22
RULE V .....	24
ARREST OF A CHILD.....	24
A. Definitions.....	24
B. General procedures.....	24
RULE VI.....	27
INTERVIEWING OR INTERROGATING A CHILD.....	27
A. General Principles .....	27

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

B. Administering a caution during the course of an interview or interrogation .....	30
C. Confession during the course of an interview .....	31
D. Written statements made after caution .....	32
RULE VII .....	37
COMFORT AND REFRESHMENT .....	37
A. Comfort and refreshment .....	37
RULE VIII .....	38
FINGERPRINTING .....	38
A. Definitions .....	38
B. Procedure .....	38
C. Record of fingerprinting in child's custody record .....	39
RULE IX .....	40
IDENTIFICATION OF A CHILD .....	40
A. Definitions .....	40
B. General principles .....	41
C. Procedures applicable to all identification arrangements .....	42
D. Photographs .....	43
E. Photographs where a child voluntarily attends at police station .....	45
F. Procedure and preparation for identification by photograph array .....	45
G. Video Identification Parade for Children-Preliminaries .....	46
H. Procedure and preparation for video identification .....	47
I. Identification parades for a child .....	48
J. Group identification .....	48
K. Confrontation by a witness .....	50
L. Records for all modes of identification arrangements .....	50
RULE X .....	52
THE TAKING OF DEOXYRIBONUCLEIC ACID (DNA) INTIMATE AND NON-INTIMATE SAMPLES OF A CHILD .....	52
A. Definitions .....	52
B. Procedure for taking non-intimate samples from a child .....	52
C. Procedure for taking intimate samples from a child .....	53

JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

RULE XI..... 54  
ATTORNEY-AT LAW ..... 54  
RULE XII..... 55  
RELEASE OR CUSTODY..... 55  
RULE XIII ..... 56  
CUSTODY RECORD, ETC..... 56  
RULE XIV ..... 58  
RECORDS IN GENERAL ..... 58  
RULE XV ..... 59  
BREACH OF THE JUDGES' RULES..... 59

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**General and Application**

1. These Judges' Rules for Children shall be readily available at all police stations for consultation by police officers, police staff, detained persons and members of the public.
2. These Judges' Rules apply to police officers and persons other than police officers charged with the duty of treatment of child offenders and as such, these persons shall so far as may be practicable, comply with these Rules.

**Principles relating to a child**

Regard shall be had to the following principles when dealing with a child who is in conflict with the law:

1. All decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child, subject to principle 4.
2. A child has rights and freedoms before the law equal to those enjoyed by an adult and, in particular, a right to be heard and a right to participate in the processes that lead to decisions which affect him subject to consent principles.
3. A child's racial, ethnic, cultural, and religious identity shall be respected.
4. Family relationships between a child and members of his family shall, where appropriate, be preserved and strengthened.
5. A child shall not be withdrawn unnecessarily from his or her family environment and there shall be no unnecessary interruption of a child's education or employment.
6. A parent, guardian or person with responsibility for a child shall be encouraged to fulfill his or her responsibility for the care and supervision of the child.
7. It is desirable that a child who commits an offence bears responsibility for his actions and wherever possible, makes reparations for his actions.
8. A child shall be assisted with his reintegration into the community so as to sustain family and community ties.
9. A child shall only be kept in custody for an offence (whether on arrest, in remand or under sentence) as a last resort and for the shortest appropriate period of time.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

10. Unless the public interest requires otherwise, criminal proceedings shall not be instituted or continued against a child if there are alternative means of dealing appropriately with the matter, however, this is solely for the consideration of the Director of Public Prosecutions.

11. The penalty imposed on a child for an offence shall be no greater than that imposed on an adult who commits an offence of the same kind.

12. Subject to the principles in these Rules, consideration shall be given not only to the effect of any crime on the victim but also to the offender who is a child.

13. A child shall be treated in the criminal law system with the dignity accorded any human being and in a manner consistent with his age and maturity, and shall have no less rights and protection before the law as would an adult in similar circumstances.

14. A balanced approach shall be taken between the needs of the child, the rights of any victim of the child's offence and the interests of the community.

15. Children shall be presumed to be innocent until proven guilty.

16. Derogatory or intimidating words are not to be used in the processes pertaining to a child.

17. Children shall be treated with equality regardless of their socio-economic status, race, sex, religion, or family situation.

18. The child's views and the voice of the child shall be taken into consideration with due regard to the age and maturity of the child.

19. All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse of any kind or maltreatment.

20. The Commissioner of Police shall ensure that all police officers, in the discharge of their functions, have regard to the need to safeguard and promote the welfare and best interest of a child.

21. If the child to be searched does not appear to understand what is being said, or there is any doubt about the child's ability to understand English, the police officer shall take reasonable steps to bring information regarding the child's rights and any relevant provisions of these Judges Rules for Children to his or her attention.

22. Where the child –

(a) is deaf or has any other disorder;

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (b) is unable to understand or communicate English; or
- (c) is otherwise unable to understand or communicate,

and is accompanied by someone, then the officer shall try to establish whether that person can interpret or otherwise help the officer communicate with the child.

## Definitions

In these Rules –

“appropriate adult” means a person over the age of eighteen who is a –

- (a) social worker;
- (b) welfare officer (probation);
- (c) an Attorney-at-law for the child;
- (d) any other responsible person over eighteen years with whom the child is comfortable; and
- (e) in the case of a child with a disability, the appropriate professional;

but does not include the following persons:

- (i) an accomplice;
- (ii) a person with previous convictions relating to a child or affecting that child;
- (iii) a person on parole or probation;
- (iv) a member of the police service or any employee in the police service; and
- (v) a person employed at a detention centre;

“arrest” means the prevention of a person from leaving at will by words or acts, on the grounds of a reasonable suspicion that the person has committed, is committing or is about to commit a criminal offence

“Authority” has the meaning assigned to it under section 3 of the Children’s Authority Act, Chap. 46:10;

“charge” means a formal complaint or information;

“child” means a child whom the police have reasonable grounds to suspect is about to

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

commit, is committing or has committed a criminal offence;

“Duty Counsel” means Duty Counsel established under section 4A of the Legal Aid and Advice Act, Chap. 7:07;

“medical practitioner” has the meaning assigned to it under section 2 of the Medical Board Act, Chap 29:50;

“police station” includes the Children Booking Centres;

“restrain” in relation to a person, means the temporary prevention of a person from moving or leaving at will, with respect to a criminal offence, for the purpose of investigation, but which does not amount to an arrest;

### Consent principles

1. If any procedure in these Rules requires consent, the consent of a -
  - (a) child with a mental disorder, mental illness or who is mentally subnormal as defined in the Mental Health Act, Chap. 28:02, is only valid if given in the presence of the appropriate adult; or
  - (b) child is only valid if his parent’s or guardian’s consent is also obtained unless the child is **under fourteen years of age**, when his parent’s or guardian’s consent is sufficient in its own right.
  
2. If a child is blind, seriously visually impaired or unable to read or suffering from any other disorder, the custody officer or identification officer shall make sure -
  - (a) his parent;
  - (b) his guardian;
  - (c) the person with responsibility for the child;
  - (d) the appropriate adult;
  - (e) an Attorney-at-law;
  - (f) a relative; or
  - (g) some other person likely to take an interest in him and not involved in the investigation,

is available to explain the information to the child.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

3. When these Rules require written consent or signing, the person assisting may be asked to sign instead, if the child prefers.
4. Where there is a child with a mental disorder, mental illness or who is mentally subnormal as defined in the Mental Health Act, Chap. 28:02 and any procedure in these Rules requires information to be given to, or sought from the child, it shall be given or sought in the appropriate adult's presence.
5. Where the parent, guardian or person with responsibility for the child or the appropriate adult is not present when the information is first given or sought, the procedure shall be repeated in the presence of the appropriate adult when he arrives.
6. Where the child appears deaf or there is doubt about his hearing or speaking ability or ability to understand English, and it appears that effective communication cannot be established, the information shall be given or sought through an interpreter.
7. Any procedure in these Rules involving the participation of a child with a mental disorder, mental illness or who is mentally subnormal as defined in the Mental Health Act, Chap. 28:02, shall take place in the presence of the appropriate adult.
8. Any procedure in these Rules involving the participation of a witness who is, or appears to be a child with a mental disorder, mental illness or who is mentally subnormal as defined in the Mental Health Act, Chap. 28:02 shall take place in the presence of a parent, guardian, the person with responsibility for the child or appropriate adult and an appropriate professional.
9. The parent, guardian, the person with responsibility for the child or appropriate adult or an appropriate professional, shall not be allowed to prompt any identification of a child by a witness.
10. The consent of a child in a Community Residence shall be given by the Manager, and the parent, guardian or the person with responsibility for the child does not have to be present nor does either have to consent.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE I

## STOP AND SEARCH OF A CHILD

## A. General principles of stop and search

1. The thoroughness and extent of any search or examination carried out in accordance with these Rules shall be no more than the officer considers necessary to achieve the required purpose.

2. The search shall be conducted with proper regard to the sensitivity and vulnerability of the child.

3. Any search or examination which involves the removal of more than the child's outer clothing shall be conducted in accordance with these Rules.

4. The intrusion on the liberty of a child stopped for the purposes of a search and the search itself shall –

- (a) be based on reasonable grounds for suspicion that the article or substance that is the subject of the search will be found;
- (b) be brief and last no longer than is necessary in keeping with the purpose of the stop and search;
- (c) take place at or near the location of the stop or police station as far as possible; and
- (d) be conducted discretely and with due regard for the dignity, sensitivity and vulnerability of the child,

and every reasonable effort shall be made to secure the child's co-operation and minimise embarrassment.

5. The objective basis of the test of reasonable suspicion shall be based on –

- (a) facts;
- (b) relevant information and intelligence which are relevant to the exercise of the power so that a reasonable person would be entitled to reach the same conclusion; and
- (c) observation.

6. There is no power to stop a child in order to find grounds for a search as a result of questioning nor is the child's refusal to answer any question reasonable grounds for suspicion that he has committed an offence.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

7. A police officer shall carry out all stops and searches of a child with courtesy, consideration and respect for the child.

8. Where there are no longer any grounds for reasonable suspicion, a child is free to leave at will and shall be so informed in the absence of any lawful power to detain.

9. Where, as a result of questioning before a search, or other circumstances which come to the attention of the police officer, there ceases to be reasonable grounds for suspecting that an article or substance of a kind for which there is a power to stop and search is being carried, a police officer shall not search a child and the child is free to leave at will and shall be so informed.

10. (1) Where a police officer has an encounter with a child and during the encounter the officer has reasonable grounds for suspecting that the child has committed an offence for which there is a power to search, the police officer may arrest and search the child, even though no grounds existed when the encounter began.

(2) As soon as an arrest begins, and before searching the child, the officer shall inform the child that he is being arrested and will be searched.

11. Where there are reasonable grounds for a non-intimate or intimate search of a child, the police officer shall immediately, inform the child and the parent, guardian or person with responsibility for the child or the appropriate adult present, of -

- (a) the fact that the child is being restrained for the purposes of a search;
- (b) the child's right to an Attorney-at-law;
- (c) the officer's name unless he believes that giving his name might put him in danger;
- (d) the officer's regimental number;
- (e) the name of the police station to which the officer is attached;
- (f) a clear explanation of the reason for the search;
- (g) the grounds for suspicion; and
- (h) their entitlement to a copy of the record of the search.

12. Where a child under circumstances referred to in subrule 10 is unaccompanied by a parent, guardian or person with responsibility for the child or the appropriate adult, the police officer shall, as soon as practicable, contact the Child Protection Unit **and** the Authority with a view to obtaining the assistance of an appropriate professional.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**B. Procedure**

1. A police officer who stops a child shall identify himself immediately, to the child, and show his Trinidad and Tobago Police Service issued identification or where this is not practicable, as soon as possible subsequent to the stop.

2. Where a police officer stops a child, he shall, after identifying himself and showing the child his Trinidad and Tobago Police Service issued identification pursuant to subrule 1 –

- (a) inquire of the child –
  - (i) his name;
  - (ii) his address;
  - (iii) his age; and
  - (iv) the name, address and contact information for his parent, guardian or the person with responsibility for him; and
- (b) where practicable, take all steps to contact any of the persons referred to in paragraph (a)(iv) and inform him or her that the child is being taken to the nearest police station or Central Booking Station to conduct a non-intimate search based on a reasonable suspicion;
- (c) request the presence of any of the persons referred to in paragraph (a)(iv) at the police station; and
- (d) convey the child to the nearest police station,

and shall notify the Authority, immediately.

3. Where the child refuses to inform the police officer of the persons to contact pursuant to subrule 2, the police officer shall take the child to the nearest police station or Central Booking Station and notify the Authority, forthwith.

4. Where the police officer is unable to contact any person referred to in subrule 2 or where the person is unable to arrive at the police station or Central Booking Station within two hours of the child's arrival at the police station or Central Booking Station, the police officer shall contact an appropriate adult with whom the child is comfortable and who is not a police officer nor a person employed in the police service, who shall stand in lieu of the parent, guardian or person with responsibility for the child.

5. A police officer shall not question a child who is detained or arrested about his suspicion of an offence without the presence of the child's legal representative and the parent, guardian or person with responsibility for the child or an appropriate adult.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

6. Notwithstanding subrule 5, a police officer may question a child about an offence without the presence of his parent, guardian or person with responsibility for the child or an appropriate adult where

—

- (a) the child is committing, is about to commit, or has committed an offence and it is necessary to secure valuable evidence before it is disposed of;
- (b) a person is in danger;
- (c) there is a possibility that the child may injure himself; or
- (d) there is a likelihood that property may be disposed of or be destroyed.

7. The general rule is that a child shall be searched at a police station or a Central Booking Station in the presence of a parent, guardian or person with responsibility for the child or an appropriate adult.

8. Notwithstanding subrule 7, a child may be searched by a police officer without the presence of a parent, guardian or person with responsibility for the child or appropriate adult for the child where —

- (a) the child needs to be protected from himself;
- (b) the child poses a harm or threat to others;
- (c) it is necessary to preserve evidence or property; or
- (d) the child is committing, is about to commit, or has committed an offence.

9. A police officer who has to search a child shall be of the same sex of the child, unless —

- (a) circumstances show that it is not in the best interests of the child; or
- (b) the child indicates that he is not comfortable with
  - (i) that person searching him; or
  - (ii) the sex of the person.

10. Where a police officer arrests a child, he shall notify the Authority, forthwith.

11. Where a child has been taken into custody, the police officer shall make a record in the form prescribed by these rules.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE II

## QUESTIONING BEFORE SEARCH OF A CHILD

## A. General principles

1. Subject to these Rules, when a police officer is trying to discover whether or by whom, an offence has been committed, he is entitled to question any child from whom he thinks useful information may be obtained whether the child is suspected or not, or taken into custody, and provided that the child has not been charged with the offence or informed that he may be prosecuted for it.

2. An officer who has restrained a child in order to carry out a non-intimate search where there are reasonable grounds to suspect that a criminal offence has been committed, may, before he carries out the search, question the child about his behaviour or presence in circumstances which gave rise to the suspicion.

3. Where, after questioning a child, a police officer's suspicion is confirmed or the questioning reveals reasonable grounds to believe that the child is in possession of any unlawful article or substance, the police officer shall –

- (a) caution the child before further questioning in the following terms:

*“You do not have to say anything or answer any question. However, if you say anything or answer any question from now on, it will be written down and can be used as evidence either for or against you.”*

- (b) inform him of his right to an Attorney-at-law;  
(c) ensure that there is a parent, guardian or person with responsibility for the child or an appropriate adult present; or  
(d) arrest the child and inform the Authority and Legal Aid and Advisory Authority that the child is in custody.

4. Where as a result of -

- (a) questioning the child; or  
(b) other circumstances coming to the attention of the police officer,

the police officer's reasonable suspicion has been dispelled, the police officer shall inform the child and his parent, guardian or person with responsibility for the child, forthwith, that he is free to leave at will and shall so release the child and notify the Authority immediately.

5. A child's refusal to answer, may not in and of itself confirm or provide reasonable grounds for a suspicion.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE III

## NON-INTIMATE SEARCH OF A CHILD

## A. Definition

## In this Rule –

“non-intimate search” means the physical examination of a child’s body without the removal of clothing **and** includes the request by a police officer to a child to open his mouth.

## B. Procedure

1. Where there are reasonable grounds for a non-intimate search of a child, the police officer shall immediately, inform the child and the parent, guardian or person with responsibility for the child or the appropriate adult present, of -

- (a) the fact that the child is being restrained for the purposes of a search;
- (b) the child’s right to an Attorney-at-law;
- (c) the officer’s name unless he believes that giving his name might put him in danger;
- (d) the officer’s regimental number;
- (e) the name of the police station to which the officer is attached;
- (f) a clear explanation of the reason for the search;
- (g) the grounds for suspicion; and
- (h) their entitlement to a copy of the record of the search.

2. Where a child, under circumstances referred to in subrule 1, is unaccompanied by a parent, guardian or person with responsibility for the child or the appropriate adult, the police officer shall, as soon as practicable, contact the Child Protection Unit **and** the Authority with a view to obtaining the assistance of an appropriate professional.

3. A non-intimate search of a child shall be carried out –

- (a) in the presence of a parent, guardian or person with responsibility for the child or an appropriate adult; and
- (b) by a police officer of the same sex as the child unless he says otherwise.

JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

4. Where a child is taken to a police station or Central Booking Station in order to conduct a non-intimate search, the police officer shall make a record at the police station in a custody record of the -

- (a) reason for the search;
- (b) place where the search took place;
- (c) time when the search took place;
- (d) parts of the body searched without the removal of clothing;
- (e) persons present;
- (f) police officer conducting the search; and
- (g) results of the search.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**RULE IV  
INTIMATE AND STRIP SEARCH OF A CHILD****A. Definitions****In this Rule-**

“health care facilities” has the meaning assigned to it under section 2 of the Regional Health Authorities Act, Chap. 29:05;

“intimate search” means the physical examination of a person’s body orifices and includes the probing of the mouth with any object or finger;

“private hospital” has the meaning assigned to it under section 2 of the Private Hospitals Act, Chap. 29:03;

“strip search” means a search involving the removal of the clothing of a child including undergarments, head coverings and face coverings in order to facilitate a visual inspection of a child’s genitals, buttocks, breast, head or any other private area of the body.

**B. Procedure**

1. A police officer may search the mouth of a child where he has reasonable grounds to suspect that

—

- (a) the child needs to be protected from himself;
- (b) the child poses a harm or threat to others;
- (c) it is necessary to preserve evidence or property; or
- (d) the child is committing, is about to commit, or has committed an offence.

2. Body orifices, other than the mouth of a child, may be searched only if authorised by an officer in charge.

3. An officer in charge shall not authorise a search of a child’s bodily orifice other than the mouth unless he has reasonable grounds for believing that the person may have concealed on himself-

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (a) anything which he could and might use to cause physical injury to himself or others at the station; or
- (b) a dangerous drug in accordance with the Dangerous Drugs Act, Chap.11:25, which he intended to supply to another or to export,

and the officer has reasonable grounds for believing that an intimate search is the only means of removing those items.

4. A search of a child's body orifices other than the mouth shall be conducted at a private hospital, healthcare facility or other medical premises and be conducted by a medical practitioner or registered nurse.

5. Notwithstanding subrule 4, a search of a child's body orifices other than the mouth may be carried out at a police station or other place where there is reasonable cause to believe there is concealed within the body orifice any object or substance which –

- (a) may pose a danger to the child or to others; or
- (b) is a dangerous drug in accordance with the Dangerous Drugs Act, Chap.11:25

and there are reasonable grounds for believing that an intimate search is the only means of removing the item.

6. Before the search begins, the following persons shall be present during the search:

- (a) a police officer of the same sex; and
- (b) a parent, guardian or person with responsibility for the child or appropriate adult.

7. Before the search begins, a police officer shall-

- (a) inform the child and his parent, guardian or person with responsibility for the child-
  - (i) that the authority to carry out the search has been given; and
  - (ii) of the grounds for giving the authorisation and for believing that the article cannot be removed without an intimate search;
- (b) remind the child and his parent, guardian or person with responsibility for the child of the child's right to an Attorney-at-law; and
- (c) invite the child to remove his clothing.

8. An intimate search, other than the mouth of a child may only be carried out by a medical practitioner or registered nurse, unless an officer in charge considers this is not practicable.

9. An intimate search, other than the mouth of a child, may take place at a police station only where there is reasonable suspicion that there might be anything which the child may use to cause

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

physical injury to himself and others at the police station, in which case a police officer of the same sex as the child, unless the child says otherwise, may carry out the search in the presence of a parent, guardian or person with responsibility for the child or with whom the child is comfortable.

10. Any proposal for a search under subrule 9 to be carried out by someone other than a registered medical practitioner or registered nurse shall only be considered as a last resort and when the authorising officer is satisfied the risks associated with allowing the item to remain with the child outweigh the risks associated with removing it.

11. An intimate search at a police station of a child may take place only in the presence of –

- (a) a parent;
- (b) a guardian;
- (c) a person with responsibility for the child; or
- (d) an appropriate adult of the same sex,

unless the child specifically requests, through Duty Counsel, a particular adult of the opposite sex who is readily available.

12. Notwithstanding subrule 11, where the child is a child with a disability, an appropriate professional may be present.

13. In the case of a child, the search may take place in the absence of the appropriate adult only if the child signifies in the presence of the appropriate adult that he does not want the adult present during the search and the adult agrees.

14. A record shall be made of the child's decision under subrule 9 and signed by the appropriate adult.

15. Subject to subrule 11, when an intimate search is carried out in accordance with these Rules -

- (a) no person of the opposite sex who is not a medical practitioner or a registered nurse shall be present;
- (b) where the search is being conducted at a police station pursuant to subrule 9, a police officer of the same sex as the child, shall be present unless the child requests otherwise;
- (c) a minimum of two persons, other than the child, shall be present during the search; and
- (d) no person whose presence is deemed unnecessary shall be present.

16. In the case of an intimate search, the following shall be recorded, as soon as practicable, in the child's custody record:

- (a) the authorisation to carry out the search;
- (b) the grounds for giving the authorisation;
- (c) the grounds for believing the article could not be removed without an intimate search;

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (d) which parts of the child's body were searched;
- (e) who carried out the search;
- (f) who was present; and
- (g) the result.

17. If an intimate search is carried out by a police officer, the reason why it was impracticable for a medical practitioner or registered nurse to conduct it shall be recorded in the child custody record.

### C. General principles of a strip search of a child

1. A strip search of a child shall be conducted with proper regard to the sensitivity and vulnerability of the child and every reasonable effort shall be made to secure the child's cooperation and minimize embarrassment.

2. A strip search of a child shall not be carried out where there is no reason to suspect that articles or substances are concealed.

3. A strip search of a child shall be conducted as quickly as possible and the child must be allowed to dress as soon as the procedure is completed.

4. A strip search of a child shall be conducted by a police officer who is of the same sex as the child unless the child requests otherwise.

5. A strip search of a child shall be done in a private area in the presence of a parent, guardian, or person with responsibility for the child or an appropriate adult.

6. Notwithstanding subrule 4, in the case of a child with a disability or mental disorder, in addition to the child's parent, guardian or person with responsibility for the child, an appropriate professional of the same sex (if possible) shall be present.

7. Except in cases of urgency where there is a risk of serious harm to the child or to other persons, there shall be at least two persons present during the strip search other than the child.

8. The presence of more than two people other than the parent, guardian or person with responsibility for the child or an appropriate adult shall only be permitted in the most exceptional circumstances.

### D. Authorisation and procedure of a strip search of a child

1. A strip search of a child shall not be conducted unless authorised by an officer of the rank of sergeant or above.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

2. An officer of the rank of sergeant or above shall only authorise a strip search of a child where he has reasonable cause to believe that-
  - (a) the child may have concealed on his person –
    - (i) any article or item that he could or might use to cause physical injury to himself or any other person at the place of search;
    - (ii) a dangerous drug in accordance with the Dangerous Drugs Act, Chap. 11:25 which he intends to supply to another; and
  - (b) a strip search is the only means of recovering the article, item or substance.
3. A strip search of a child shall take place at a police station.
4. If articles are found, the child shall be asked to hand them over.
5. A record of the strip search shall form part of the child's custody record which shall contain the following:
  - (a) the reason for the strip search;
  - (b) whether force was used before, during or after the search;
  - (c) where force was used, the circumstances surrounding its use;
  - (d) the persons present during the strip search and when force was used; and
  - (e) the results of the strip search.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE V

## ARREST OF A CHILD

## A. Definitions

“contact” means any verbal form of communication where the recipient is able to respond.

## B. General procedures

1. When a child is to be arrested on warrant, the following shall be observed:
  - (a) the arrest shall be effected by a non-uniformed police officer;
  - (b) the police officer shall have his Trinidad and Tobago Police Service issued identification card at the time of the arrest;
  - (c) the police officer shall attend the place of arrest in an unmarked police vehicle; and
  - (d) the police officer who is to arrest the child shall be of the same sex as the child unless this is not in the best interest of the child.
  
2. A police officer may request that a child voluntarily attends the police station at which point the child has not been arrested and is free to leave unless reasonable grounds arise for an arrest to be made and the child shall be so informed prior to his arrest.
  
3. The child is free to refuse to attend the police station voluntarily.
  
4. Where the child attends the police station voluntarily but is prevented from leaving, whether by the words or actions of a police officer, the child is under arrest and is not free to leave at will.
  
5. Where a police officer determines that he has reasonable grounds to believe that the child has committed an offence and that the child be arrested, he shall immediately –
  - (a) inform the child that he is under arrest;
  - (b) inform the child of the reason for his arrest;
  - (c) caution the child;
  - (d) inform the child who is arrested of his legal right to an Attorney-at-law;
  - (e) inform the child of his right to have his parent, guardian or person with responsibility for him present;
  - (f) enquire of the child who is arrested of the contact information pertaining to his parent, guardian or person with responsibility for him;

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (g) take all reasonable steps to contact the parent, guardian or person with responsibility for the child or appropriate adult;
- (h) inform Duty Counsel;
- (i) inform the Authority; and
- (j) convey the child who is arrested to the nearest police station, where the arrest is not made at a police station.

6. The caution referred to in subrule 5(c) shall be in the following terms:

*"You do not have to say anything or answer any question. However, if you say anything or answer any question from now on, it will be written down and can be used as evidence either for or against you."*

7. The information on arrest under subrule 5(a) and (b) need not be given in circumstances where the arrest poses harm or threat to the child, the officer, any other person or it is otherwise impracticable so to do.

8. Where the police officer is -

- (a) unable to contact any of the persons referred to in subrule 5(g); or
- (b) has contacted the persons referred to in subrule 5(g) but neither is able to arrive at the police station within two hours of being contacted, he shall immediately contact the appropriate adult.

9. A child shall not be questioned by a police officer about an offence in the absence of his parent, guardian or person with responsibility for the child or the appropriate adult except where questioning is necessary -

- (a) to prevent injury to himself or others; or
- (b) for the preservation of evidence.

10. When contact is made with the parent, guardian or person with responsibility for the child or the appropriate adult, the police officer shall-

- (a) indicate his name, rank and badge number and the station to which he is attached;
- (b) inform the person contacted that the child has been arrested;
- (c) inform the person contacted of the reason for the arrest;
- (d) provide the name and address of the police station to which the child has been taken; and
- (e) request the person's presence at the police station.

11. A police officer shall make a record in the custody record and in the station diary of-

- (a) the fact of the arrest of the child and the reason for the arrest, and the time, place and date of the arrest; and
- (b) all notifications made in respect of subrule 5.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

12. As far as is practicable, a child shall not be arrested at school except where the child -

- (a) is about to commit an offence;
- (b) is found committing an offence; or
- (c) has committed an offence and it is necessary to secure evidence.

13. When a child is to be arrested at school, in addition to the general principles outlined above, at the time of the arrest, the police officer shall show his Trinidad and Tobago Police Service issued identification card to the Principal of the school or in his absence the Vice Principal or in the absence of the Vice Principal the most senior member of the teaching staff present at that time.

14. When a child is charged, it is the responsibility of the arresting police officer to inform the parent, guardian or person with responsibility for the child to attend court at a particular time, date and location.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE VI

## INTERVIEWING OR INTERROGATING A CHILD

## A. General Principles

1. A police officer shall not begin interviewing or interrogating a child who has been arrested in the absence of—

- (a) the parent, guardian or person with responsibility for the child or appropriate adult; and
- (b) Duty Counsel or a private Attorney-at-law.

2. In addition to the persons referred to in subrule 1, a social worker, psychologist or appropriate professional may also be present if requested.

3. A police officer may not interview or interrogate a child at school unless—

- (a) the school facilities are such that a confidential interview or interrogation can take place between the police officer and the child; and
- (b) the following persons are present:
  - (i) the child's parent, guardian or person with responsibility for the child;
  - (ii) Duty Counsel or a private Attorney-at-law; and
  - (iii) the Principal of the school or his nominee.

4. Where the child has a disability, the appropriate professional shall be called upon to be present at the interview or interrogation.

5. An interview or interrogation of a child shall be done by a police officer who is trained to interview or interrogate children.

6. An interview or interrogation of a child may be done through an intermediary in accordance with section 51B of the Children Act, 2012.

7. Where a child has a mental disability, the police officer shall conduct an interview or interrogation guided by, and in the presence of a social worker and a psychologist.

8. A police officer may conduct an interview or interrogation while being guided by the psychologist and social worker who need not be in the same room as the child but may be in communication with the police officer by electronic means.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

9. Notwithstanding subrule 8, where the child has a disability, the appropriate professional may be in the same room as the child while the child is being interviewed or interrogated.

10. Before a child is interviewed or interrogated by a police officer, the police officer shall inform him and his parent, guardian or person with responsibility for the child, of the child's—

- (a) right to an Attorney-at-law;
- (b) right to be protected against self-incrimination; and
- (c) other rights under the Constitution including the right to be heard.

11. When interviewing or interrogating a child, a police officer shall have regard to his —

- (a) age and maturity;
- (b) language capacity;
- (c) mental capacity; and
- (d) ability to express himself clearly.

12. A child may not be asked the same question repeatedly over a four-hour period.

13. A child shall not be interviewed or interrogated for a total of more than four hours at any one session of interviewing or interrogating, including the requisite breaks referred to in subrule 14.

14. A child may not be interviewed or interrogated for a period longer than forty-five minutes after which there shall be a ten-minute break.

15. The interviewer or the person conducting the interrogation shall —

- (a) periodically inquire of the child as to whether he is comfortable and able to continue; and
- (b) pause the interview or interrogation where the child is unable to continue the interview or interrogation and resume at such time as the child is able so to do.

16. Notwithstanding subrule 14, where a child has a disorder (physical or mental), the interview or interrogation periods shall be much shorter with appropriate breaks as advised by the appropriate professional.

17. A child shall not be interviewed or interrogated before six in the morning or after 10 p.m. unless there is a threat of imminent harm to a person or any other extenuating circumstances.

18. Unless otherwise requested by a child, a police officer shall interview or interrogate a child.

19. In sexual offence matters, unless otherwise requested by a child, a police officer of the same sex shall interview or interrogate a child.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

20. All interviews and interrogations of a child shall be recorded by electronic audio recording or video recording unless it is not practical so to do.

21. Subject to subrule 20, the electronic audio recording or video recording shall be the official record of the interview and interrogation and shall be verified by the certificate of those responsible for the accuracy of the recording.

22. Where it is not possible to have an electronic audio recording or video recording of an interview or interrogation, a written record of the interview and interrogation shall be prepared and produced in a Question and Answer format in the exact words of the makers.

23. In cases where an electronic audio or video recording is not done, the officer conducting the interview or interrogation shall cause a transcript of the interview or interrogation to be prepared, and the interviewer or the person who recorded it in writing shall read it back to the child.

24. The person who reads it shall declare in writing that it was so read to the child and that he stated that he understood it and he agreed to it.

25. The declaration shall be in the following form and signed by the declarant:

*"I..... of ..... declare that I have read over the transcript to the child and the child has certified that it is accurate, and he agreed to it and made it voluntarily.*

\_\_\_\_\_  
*Signature of Declarant*

26. The officer referred to in subrule 23 shall cause a transcript of the interview or interrogation to be verified by the certificate of –

- (a) the interviewer or the officer conducting the interrogation;
- (b) the person writing the Question and Answer;
- (c) the child; and

any other persons who may have spoken during the course of the interview or interrogation, in the following terms:

*"I hereby certify the accuracy of the written record."*

27. Where the child or a person referred to in subrules 1 and 2 refuses to verify the truth of the transcript by a certificate, the interviewing officer or the person conducting the interview or interrogation shall certify this fact in writing.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

28. Where a police officer is making enquiries of a child with respect to an offence where none of the persons referred to in subrules 1 and 2 is present, and he has enough evidence to prefer a charge against that child for the offence he shall, in the following sequence –

- (a) inform the child that he may be prosecuted for the offence;
- (b) caution the child; and
- (c) immediately make all possible attempts to have one of the persons referred to in subrule 1 and 2 present,

before charging the child.

**B. Administering a caution during the course of an interview or interrogation**

1. Where, after questioning a child, the police officer obtains enough evidence to charge the child for an offence, he shall –

- (a) inform the child that he will be charged with an offence and explain what that means;
- (b) administer the caution using the words in subrule 3; and
- (c) cause the child to be charged.

2. The child shall be informed of his intended prosecution, in accordance with subrule 1, in the presence of –

- (a) the parent, guardian or person with responsibility for the child, or appropriate adult; and
- (b) Duty Counsel or his private Attorney-at-law.

3. The caution shall be in the following terms:

*“You do not have to say anything or answer any question. However if you say anything or answer any question from now on, it will be written down and can be used as evidence either for or against you.”*

4. The police officer may use any form of language which the child can understand so long as the essence of the caution is preserved.

5. Where the child has a disability, the police officer shall be advised by the appropriate professional who has been called in to assist with communicating with the child.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

6. A police officer shall satisfy himself that the child has understood the caution by asking the child either directly or through the appropriate professional, as the case may be, to explain in his own words what the police officer has said to him.

7. Where a child elects to make a statement after being cautioned, the police officer shall record, in writing or electronically –

- (a) the time when the child began to make the statement and the time he ended;
- (b) the date the statement was made;
- (c) the place where the statement was made; and
- (d) the persons present during the recording.

8. Where a child is charged with an offence he shall be again cautioned using the form of words in subrule 3 and subrules 4 to 7 shall apply.

9. When the child has been cautioned, the police officer shall not question him in relation to the offence unless it is necessary-

- (a) to prevent or minimise harm or loss to some other person or to the public; or
- (b) to clear up any ambiguities in a previous answer or statement.

10. Rule VI A 21 to 25 shall apply to the provisions under this heading *mutatis mutandis*.

### C. Confession during the course of an interview

1. Where, during an interview or interrogation, a child gives an admission or confession voluntarily, the police officer shall immediately caution the child in the following terms:

*“You do not have to say anything or answer any question. However, if you say anything or answer any question from now on, it will be written down and can be used as evidence either for or against you.”*

2. Rule VI A 21 to 25 shall apply to the provisions under this heading *mutatis mutandis*

3. A voluntary confession shall be certified by-

- (a) the child; and
- (b) the parent or guardian of the child or the person with responsibility for the child,

and signed by the said persons using the following words and format:

JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

A. "I .....certify that my confession was given freely and voluntarily.

\_\_\_\_\_  
Signature of child or thumbprint."

OR:

B. "I certify that the confession of..... was given freely and voluntarily.

\_\_\_\_\_  
Signature of parent, guardian or person with responsibility for the child."

4. The statement and the certificate shall be –

- (a) given to the child and the parent, guardian or person with responsibility for the child to be read; or
- (b) read by the officer who wrote it, to the child and the persons referred to in subrule 5,

before the child and parent, guardian or person with responsibility for the child sign the certificate.

5. The certificate may be written by the child.

6. Where a child cannot read or asks that the confession or admission recorded in writing be read over to him, the interviewer or the person who recorded it in writing, shall read it to him before he signs it and the person who read it shall write a declaration that it was so read to the child and that he stated that he understood it and he agreed to it.

7. The declaration shall be in the following manner:

"I ... declare that I have read over the confession to the child and he certified –

- (a) the accuracy of the content; and
- (b) the fact that the statement was voluntarily made."

**D. Written statements made after caution**

1. Where a child wishes to make a written statement after caution, the statement shall be taken in the presence of –

- (a) a parent, guardian or person with responsibility for the child or an appropriate adult; and

1758—Continued

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (b) a Duty Counsel or private Attorney-at-law of the child,  
and he shall be –
- (i) told that it is intended to make a written record of what he says; and
  - (ii) asked whether he wishes to write for himself what he wants to say.
2. A statement of a child may be written –
- (a) by the child;
  - (b) by the parent, guardian or person with responsibility for the child;
  - (c) by someone else on behalf of a child who cannot write;
  - (d) by the police; or
  - (e) in the form of a statutory declaration.
3. Where a police officer writes the statement for a child, he shall –
- (a) take down the exact words spoken by the child;
  - (b) not put any questions other than those necessary to make the statement coherent, intelligible and relevant to the material matters; and
  - (c) not prompt the child.
4. The statement of a child shall contain –
- (a) his name;
  - (b) his age;
  - (c) the name of the adult of his choice who was present with him when it was made;  
and
  - (d) the relationship of the adult to the child.
5. Where a child says that he wants to make a statement he shall be–
- (a) told that it is intended to make a record of what he says; and
  - (b) asked, where there is a written record, whether he wishes to write down himself what he wants to say.
6. Where the child wishes to make a statement but is unable or unwilling to write and would like someone to write for him, a police officer, parent, guardian, person with responsibility for the child or an adult with whom the child is comfortable may offer to write the statement for him.
7. Where the child, referred to in subrule 6, accepts the offer to have someone write down what he wants to say, the police officer shall, before starting, ask the child making the statement to sign (where he can write) or make his mark or thumbprint (where he cannot write), to the following:

*"I..., wish to make a statement. I want someone to write down what I say. I have been told that I need not say anything unless I wish to do so and that whatever I say may be given in evidence."*

JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

8. Where the statement is written on behalf of a child who cannot or is unwilling to write, the person who wrote the statement shall, before the child puts his mark or thumbprint—

- (a) read the statement to the child;
- (b) inquire of the child whether he understands it and agrees to it; and
- (c) ask whether he wishes to make any corrections, alterations or additions.

9. Where the child, referred to in subrule 8, indicates that he understands and agrees to the statement, subject to any corrections, alterations or additions, he shall make his mark or thumbprint at the bottom of every page of the statement, and the person who wrote it shall sign and date every page.

10. The statement referred to in subrule 9 shall bear a declaration by the person who signed and wrote it, on the last page of the statement, using the following words:

*"I ..... declare that the statement was read to ..... and he appeared to understand it and has agreed to it.*

\_\_\_\_\_  
*Signature of Declarant"*

11. Where the statement is written on behalf of a child who cannot read, the person who wrote the statement shall—

- (a) read it to the child;
- (b) inquire of the child whether he understands it and agrees to it; and
- (c) ask whether he wishes to make any corrections, alterations or additions.

12. Where the child referred to in subrule 11, indicates that he understands and agrees to the statement, and subject to any corrections, alterations or additions, he shall sign or make his mark or thumbprint at the bottom of every page of the statement and the person who wrote it shall sign and date every page.

13. The statement referred to in subrule 12 shall bear a declaration by the person who signed and wrote it, on the last page of the statement, using the following words:

*"I ..... declare that the statement was read to ..... and he appeared to understand it and has agreed to it.*

\_\_\_\_\_  
*Signature of Declarant"*

14. Where a child elects to write his own statement after caution, he shall be allowed to do so without prompting.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

15. The police officer shall ask the child who elects to write his own statement after caution, to write out the following words at the beginning of his statement followed by his signature:

*"I....., make this statement of my own free will. I have been told that I need not say anything unless I wish to do so and that whatever I say may be given in evidence."*

16. The statement referred to in subrule 14 shall be read over to the child and bear a declaration by the person who cautioned the child on the last page of the statement, using the following words:

*"I declare that the statement was read to ....and he appeared to understand it and agreed to it*

---

*Signature of Declarant".*

17. Before the child puts his mark or thumbprint or signs under this rule, the following certificate at the end of the statement shall be included as follows:

*"I have read the above (have had the above read to me) and I have been told that I can correct, alter or add anything I wish. The statement is true. I have made it of my own free will."*

18. The parent, guardian or person with responsibility for the child or the appropriate adult shall also countersign, certifying that he has witnessed the signing or the making of his mark by the child or thumbprint by the child, in the following words:

*"I have read/The above statement has been read over to .... (child) in my presence and he indicated that he understands it and agreed to it, and I certify that the statement of..... was given freely and voluntarily.*

---

*Signature of parent/ guardian or person with responsibility for the child".*

19. Where the child who has made the statement having read it, refuses to write the above – mentioned certificate at the end of it or to sign it, the senior police officer present shall record the child's refusal on the statement itself in the presence of the child who made the statement.

20. Where the child making the statement cannot read or refuses to read it, the officer, parent, guardian, person with responsibility for the child or the appropriate adult who has taken it down, shall read it over to him and ask him whether he would like to correct, alter or add anything and to put his signature or make his mark at the end.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

21. Where the parent, guardian or person with responsibility for the child or the appropriate adult has made the inquiry of the child as stated in subrule 20, and the child has signed it or made his mark or thumbprint, the police officer shall then certify on the statement what he has done and any of the persons who made the inquiry of the child shall also countersign as having witnessed the signing by the child.

22. The Court may admit into evidence any statement by a child which is in accordance with Rule VI D.

**RULE VII****COMFORT AND REFRESHMENT****A. Comfort and refreshment**

1. Where a child is brought into the station after 9.00 p.m., he shall be allowed to sleep or rest for 9 hours before questioning and shall not be questioned before 7:00 a.m.
2. No alcoholic drinks shall be given to a child.
3. Reasonable arrangements shall be made for the comfort and refreshment of a child in attendance for questioning or from whom statements are being taken.
4. Whenever practicable, all persons present during the course of an interview or interrogation shall be seated.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE VIII

## FINGERPRINTING

**A. Definitions**

In this Rule-

“fingerprints” means any record produced by any method, of the skin pattern and other physical characteristics or features of a person’s –

- (a) fingers; or
- (b) palms;

“search” in relation to fingerprints, means the fingerprint is checked against other fingerprints –

- (a) held by, or on behalf of, the police or other law enforcement authorities in or outside of Trinidad and Tobago; or
- (b) held in connection with or as a result of an investigation of an offence in or outside of Trinidad and Tobago.

**B. Procedure**

1. Before any fingerprints are taken pursuant to section 50E of the Police Act, the following persons shall be present –

- (a) the parent, guardian, or person with responsibility for the child or appropriate adult; and
- (b) the child’s Attorney-at-law or Defence Attorney-at-law or Duty Counsel,

and the persons referred to in paragraphs (a) shall be informed of the right of the child to have a legal representative.

2. The child and his parent, guardian, or person with responsibility for the child or appropriate adult shall be informed –

- (a) of the reason the child’s fingerprints are to be taken; and
- (b) that the child’s fingerprints shall be retained and forwarded to the National Fingerprint Database and may be the subject of a search against other fingerprints,

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

and a record shall be made in the child's custody record that the child, parent, guardian, or person with responsibility for the child or appropriate adult was so informed.

**C. Record of fingerprinting in child's custody record**

1. When a child's fingerprints are taken at the police station, an entry shall be made in the child's custody record.
2. A record shall be made immediately in the child's custody record –
  - (a) whether force was used to obtain the fingerprints and the reasons; and
  - (b) the persons present.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE IX

## IDENTIFICATION OF A CHILD

## A. Definitions

In this Rule –

“confrontation” means an identification arrangement where the child is brought into the presence and sight of the witness, by way of a one-way mirror, and asked by the police officer whether that is the person;

“group identification” means an identification arrangement where the witness is given the opportunity to identify the child in an informal group of people;

“identification arrangement” means an arrangement made in accordance with the Judges’ Rules for Children and conducted by the police, for giving a witness an opportunity to identify a child by his physical appearance or other characteristics, such child having been previously seen or heard by the witness;

“Identification Officer” means an officer of the rank of Inspector or above, who has the responsibility for conducting the parade and who shall not be involved in the investigation;

“identification parade” means an identification arrangement where the witness is given the opportunity to identify the child in a line of others who are similar in appearance to the child;

“intimate photograph” means a photograph depicting a part of the body that is usually required to be clothed, excluding the face;

“photograph” includes a single, still or moving visual image;

“photographs”, “films”, “negatives” and “copies” include relevant visual images recorded, stored or reproduced through any medium;

“video identification” means an identification parade where the witness is shown moving images of a known child, together with images of other persons similar in appearance to the child; and

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

“voice identification” means an identification arrangement where –

- (a) the witness is allowed to hear two or more voice samples of audio recordings; or
- (b) various methods and tools are used to scientifically compare two or more recorded voices,

in order to determine if the voices are consistent with the one the witness heard of the child.

## B. General principles

1. Identification arrangements include the following:

- (a) identification by photograph array;
- (b) video identification parade by electronic recording
- (c) identification parade;
- (d) group identification;
- (e) confrontation; or
- (f) voice identification.

2. No officer or any other person involved with the investigation of the case against the child, beyond the extent required by these procedures, may take any part in these procedures or act as the identification officer.

3. No identification parade of a child shall be conducted in the absence of -

- (a) a Duty Counsel or the child's private attorney; and
- (b) the child's parent, guardian or person with responsibility for the child or the appropriate adult.

4. A photograph array of a child shall be used in preference to any other method of identification.

5. Notwithstanding subrule 4, a child may be subject to a confrontation identification arrangement provided that it is confrontation using a one-way mirror.

6. Before a child is engaged in any identification arrangement, the officer shall explain the procedure to the child and the parent, guardian, or person with responsibility for the child or the appropriate adult.

7. Where the child and his parent, guardian or person with responsibility for the child do not give consent to any identification arrangement, the police officer shall warn them of the disadvantages of the use of the confrontation method.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

8. Confrontation does not require the consent of the parent, guardian, or person with responsibility for the child.
9. At no time shall a witness be brought into a room to directly identify a child.

**C. Procedures applicable to all identification arrangements**

1. Before any of the identification arrangements is employed, the following shall be explained to the child and his parent, guardian or the person with responsibility for the child or the appropriate adult:

- (a) the purpose of the identification;
- (b) the child's entitlement to legal advice;
- (c) the procedures for holding the identification arrangement, including the child's right to have present a Duty Counsel or a private Attorney-at-law and parent, guardian or person with responsibility for the child or an appropriate adult;
- (d) that they do not have to consent or co-operate in any identification arrangement;
- (e) that if they do not consent to, and co-operate in, any identification arrangement their refusal may be given in evidence in any subsequent trial;
- (f) that if, for the purposes of the video identification procedure, images of him have previously been obtained, he may cooperate in providing further, suitable images to be used instead;
- (g) the special arrangements for children;
- (h) if appropriate, the special arrangements for the child with a mental disorder, mental illness or who is mentally subnormal as defined in the Mental Health Act, Chap. 28:02;
- (i) that if he significantly alters his appearance between being offered an identification procedure and any attempt to hold an identification procedure, this may be given in evidence if the case comes to trial, and the identification officer may then consider other forms of identification;
- (j) that a moving image or photograph may be taken of him when he attends the police station for any identification procedure;
- (k) whether, before his identity became known, the witness was shown photographs, a computerized or artist's composite likeness or similar likeness or image by the police;
- (l) that if he changes his appearance before an identification parade, it may not be practicable to arrange one on the day or subsequently and, because of the appearance change, the identification officer may consider alternative methods of identification; and

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (m) that he or his Attorney-at-law shall be provided with details of the description of the child as first given by any witnesses who are to attend the video identification, identification parade, group identification or confrontation.

2. The information explained in subrule 1, shall also be recorded in a written notice handed to the child and his parent, guardian or person with responsibility for the child or the appropriate adult.

3. The child and his parent, guardian or person with responsibility for the child or the appropriate adult shall be given a reasonable opportunity to read the notice, after which, they shall be asked to sign a second copy to indicate if they are willing to cooperate with the making of a video or take part in the identification parade or group identification or any other identification arrangement.

4. The signed copies referred to in subrule 3 shall be retained by the identification officer.

#### D. Photographs

1. A child may be photographed whilst he is arrested though not yet charged at a police station.

2. **A Duty Counsel or the child's private Attorney-at-law** and a child's parent, guardian or person with responsibility for the child or the appropriate adult shall be present when the photograph of a child is being taken.

3. Prior to the taking of the photograph, a child and his parent, guardian or person with responsibility for the child or the appropriate adult shall be informed of –

- (a) the purpose of the photograph; and
- (b) the grounds on which and the purposes for which the photograph may be used, disclosed or retained,

4. Photographs may be used or disclosed only for purposes related to the prevention or detection of crime, the investigation of offences or the conduct of prosecutions by, or on behalf of, police or other law enforcement and prosecuting authorities inside and outside of Trinidad and Tobago or the enforcement of any sentence or order made by a court when dealing with an offence.

5. The pictures which are being so used or disclosed in accordance with subrule 4, may be retained but can only be used or disclosed for the purposes outlined in subrule 4.

6. The police officer proposing to take a child's photograph may, for the purpose outlined in subrule 4, require the child to remove anything which conceals any part of his head or face.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

7. A police officer who requires a child to remove anything concealing his face before taking his picture shall be of the same gender with which the child identifies.
8. Where a child does not comply with a request by a police officer to remove anything concealing any part of his head or face, the officer may remove the item or substance.
9. Where a child refuses to have his photograph taken, the photograph may be taken covertly.
10. A police officer shall attempt to take a photograph covertly before using reasonable force.
11. If it is established that the child is unwilling to cooperate sufficiently to enable a suitable photograph to be taken and it is not reasonably practicable to take the photograph covertly, an officer may use reasonable force to remove anything which conceals the head or face of the child, for the purpose of taking the photograph.
12. No photograph of a child shall be taken in any manner that will unnecessarily embarrass the child.
13. Any removal of a child's clothing to take an intimate photograph shall be done only in the presence of—
  - (a) his parent, guardian or person with responsibility for the child, appropriate adult or a person with whom the child is comfortable; and
  - (b) a police officer of the same sex as the child, unless the child expresses the contrary with respect to his choice of gender with which he is comfortable.
14. Before a decision is made with respect to Rule 13, the child shall be asked with whom is he comfortable, unless the child otherwise elects a person not of the same sex.
15. Where an intimate photograph of a child is being taken, the police photographer shall be of the same sex as the child being photographed.
16. A record shall be made of each photograph taken of a child, whether or not that photograph was taken covertly or with the use of force, and of the persons present at the photographing.
17. There is no power to arrest a child for the sole purpose of taking a photograph.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**E. Photographs where a child voluntarily attends at police station**

1. No photograph of a child shall be taken unless the child has been arrested.
2. No photograph may be taken of a child who has voluntarily attended a police station.

**F. Procedure and preparation for identification by photograph array**

1. The taking of a photograph of a child for the purposes of identification by photograph array shall take place at the police station or any appropriate place as is comfortable to the child and practically safe in the opinion of the Police.
2. An identification officer who has no direct involvement with the case shall make the arrangements for obtaining and ensuring the availability of a suitable set of images to be used in identification by photograph array.
3. The set of images shall include the child and at least eight other children who so far as possible, resemble the child in age, height and general appearance.
4. Only one child shall appear in any set unless there are two children of roughly similar appearance, in which case, they may be shown together with at least twelve other people.
5. The images used to conduct an identification by photograph array shall, as far as possible, show the child and other children in identical conditions.
6. Provision shall be made for each child shown to be identified by number.
7. Where a child offender is shown in an identification by photograph array, he shall not be shown in a uniform from a Rehabilitation Centre unless the first description involves uniformed children from the Rehabilitation Centre.
8. The child and his **Duty Counsel or his private Attorney-at-law and his parent, guardian or person with responsibility for the child** or appropriate adult shall be given a reasonable opportunity to see the complete set of images before it is shown to any witness.
9. Where the child has reasonable objections to the set of images or any of the participants, the child shall state the reasons.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

10. Where adjustments with respect to subrule 9 cannot be made, the child and his **Duty Counsel or his private** Attorney-at-law and his **parent, guardian or person with responsibility for the child** or appropriate adult shall be told the reasons.

11. A record shall be made of the objections and the grounds for the objections and the steps taken to facilitate these objections.

12. Before the images are shown, the child and his **Duty Counsel or his private** Attorney-at-law shall be provided with details of the first description of the child by any witnesses who are to attend the identification by photograph array.

### G. Video Identification Parade for Children-Preliminaries

1. When the police officer explains to the child the procedures for holding the video identification he shall ask the child, **directly** or through his parent, guardian or person with responsibility for the child or appropriate adult, whether he has any objection to the arrangements for the video identification parade and wherever practicable, steps shall be taken to remove any reasonable ground of objection.

2. The police officer shall make a note of any objection raised by or **on behalf of the child** and the steps taken to remove any reasonable ground of objection.

3. When a child is the subject of a video production for a video identification arrangement, the following persons shall be present at the time of the production:

- (a) the child's parent, guardian or person with responsibility for the child or appropriate adult; and
- (b) a Duty Counsel or the child's private Attorney-at-law.

4. A parent, guardian, person with responsibility for the child or appropriate adult shall not control or obstruct the video identification procedure.

5. Immediately before the video identification parade, the police officer shall caution the child in a language so that he can understand while keeping the substance, as follows:

*"You do not have to say anything or answer any question. However, if you say anything or answer any question from now on, it will be written down and can be used as evidence either for or against you."*

6. Any covert activity with respect to identification shall be limited to what is necessary to test the ability of the witness to identify the child.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**H. Procedure and preparation for video identification**

1. The taking of a video for the purposes of a video identification parade shall take place at the police station or any appropriate place as is comfortable to the child and practically safe in the opinion of the Police.
2. An identification officer who has no direct involvement with the case shall make the arrangements for obtaining and ensuring the availability of a suitable set of images to be used in a video identification.
3. The set of images shall include the child and at least eight other children who so far as possible, resemble the child in age, height and general appearance.
4. Only one child shall appear in any set unless there are two children of roughly similar appearance, in which case, they may be shown together with at least twelve other people.
5. The images used to conduct a video identification shall, as far as possible, show the child and other children in identical conditions.
6. Provision shall be made for each child shown to be identified by number.
7. Where a child offender is shown in a video identification parade, he shall not be shown in a uniform from Rehabilitation Centres unless the first description involves uniformed children from the Rehabilitation Centre.
8. The child and his **Duty Counsel or private Attorney-at-law, and his parent, guardian or person with responsibility for the child** or appropriate adult shall be given a reasonable opportunity to see the complete set of images before it is shown to any witness.
9. Where the child has reasonable objections to the set of images or any of the participants, the child shall state the reasons.
10. Where adjustments with respect to subrule 9 cannot be made, the child and **Duty Counsel or his private Attorney-at-law and his parent, guardian or person with responsibility for the child** or appropriate adult shall be told the reasons.
11. A record shall be made of the objections and the grounds for the objections and the steps taken to facilitate these objections.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

12. Before the images are shown, the child and his attorney-at-law shall be provided with details of the first description of the child by any witnesses who are to attend the video identification.

**I. Identification parades for a child**

1. An identification parade for a child shall take place at the police station, in a room equipped with a screen or one-way mirror, permitting witnesses to see members of the identification parade without being seen.

2. Notwithstanding subrule 1, the identification parade may take place in any place where the circumstances dictate that it is necessary.

3. The following persons shall be present when a child is the subject of an identification parade:

- (a) the parent, guardian or person with responsibility for the child or appropriate adult; and
- (b) a Duty Counsel or the child's private legal representative.

4. An arrangement may be made by the identification officer for the child witness to observe the child in a different setting in the presence of a –

- (a) parent, guardian or person with responsibility for the child, or appropriate adult; and
- (b) Justice of the Peace;
- (c) legal representative;
- (d) Duty Counsel; or
- (e) Children's Attorney.

5. Before the identification parade takes place the child, parent, guardian or person with responsibility for the child and his Attorney-at-law shall be provided with details of the first description of the child by any witnesses who are attending the identification parade.

6. Immediately before the identification parade, the child shall be reminded of the procedure governing the conduct of the parade and cautioned in terms according to these Rules.

**J. Group identification**

1. A group identification shall take place in the presence of a Justice of the Peace.
2. A group identification may be used in the following circumstances:

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (a) only where photo identification array is not practical;
  - (b) the child refuses to attend an identification parade;
  - (c) the child having agreed to attend, fails to attend an identification parade; or
  - (d) the holding of an identification parade is impracticable.
3. The witness' attention shall not be directed to any particular individual.
4. The location of the group identification is a matter for the identification officer, although the officer may take into account any representations made by the child, his parent guardian or appropriate adult, and their Attorney-at-law.
5. The place where the group identification is held shall be one where other people are either passing by or waiting around informally, in groups such that the child is able to join them and be capable of being seen by the witness at the same time as others in the group, for example, people leaving an escalator, pedestrians walking through a shopping centre and bus stations, waiting in queues or groups or where people are standing or sitting in groups in other public places.
6. If the group identification is to be held covertly, the choice of locations will be limited by the places where the child can be found and the number of other people present at that time. In these cases, suitable locations might be along regular routes travelled by the child, including modes of public transport or public places frequented by the child.
7. Although the number, age, sex, race and general description and style of clothing of other people present at the location cannot be controlled by the identification officer, in selecting the location, the officer shall consider the general appearance and numbers of people likely to be present, in particular, the officer shall reasonably expect that over the period that the witness observes the group, they will be able to see from time to time, a number of others whose appearance is broadly similar to that of the child.
8. A group identification need not be held if the identification officer believes, that because of the unusual appearance of the child, none of the locations it would be practicable to use, satisfy the requirements necessary to make the identification fair.
9. Immediately after a group identification procedure has taken place (with or without the child's consent), a colour photograph or video shall be taken of the general scene, if practicable, to give a general impression of the scene and the number of people present.
10. The group identification may be video-recorded or a photograph or film of the scene taken, if practicable, as determined by the identification officer.
11. An identification carried out in accordance with this Rule remains group identification even though, at the time of being seen by the witness, the child was on his own rather than in a group.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

12. Before the group identification takes place, the child or his Attorney-at-law shall be provided with details of the first description of the child by any witness who is to attend the identification.

**K. Confrontation by a witness**

1. Confrontation should only be used as a form of identification where none of the other modes of identification is practicable.

2. Before the confrontation takes place the child or his Attorney-at-law shall be provided with details of the first description of the child given by any witness who is to attend.

3. Confrontation shall take place in the presence of his Attorney-at-law, interpreter or parent, guardian or person with responsibility unless this would cause unreasonable delay.

4. The child shall be confronted independently by each witness, who shall be asked "Is this the person?" and if the witness identifies the child but is unable to confirm the identification, he shall be asked how sure he is that the child is the one he saw on the earlier occasion.

5. The confrontation shall normally take place in the police station, either in a normal room or one equipped with a screen permitting a witness to see the child without being seen and in both cases, the procedures are the same except that a room equipped with a screen may be used only when the child's Attorney-at-law, friend or appropriate adult is present or the confrontation is recorded on video.

**L. Records for all modes of identification arrangements**

1. A record shall be made of the child's description as first given by a potential witness.

2. The record referred to in subrule (1) shall -

- (a) be made and kept in a form which enables details of that description to be accurately produced from it, in a visible and legible form, which can be given to the child or the child's Attorney-at-law in accordance with these Rules;
- (b) unless otherwise specified, be made before the witness takes part in any identification procedures under these Rules;
- (c) state that the explanation of the procedure was given to the child; and
- (d) state whether consent had been given by the parent, guardian or person with responsibility for the child.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

3. A copy of the record shall where practicable, be given to the child or his Attorney-at-law or Duty Counsel.

4. A record shall be made of the video identification, identification parade or other mode of identification on forms provided for the purpose and shall contain -

- (a) the identity of the officer taking the video;
- (b) the child's consent or the reason for the video without consent;
- (c) the identity of the officer conducting the mode of identification
- (d) the name of the authorising officer;
- (e) the grounds for giving the authorisation;
- (f) whether force was used and the circumstances and those present;
- (g) all those participating in or seeing the set of images whose names are known to the police;
- (h) the child's failure to cooperate or refusal, and if applicable, the grounds for avoiding video taking; and
- (i) anything said by the witness on the procedure.

5. Where the Identification Officer considers it is not practicable to hold a video identification or identification parade or other mode of identification requested by the child, the reasons shall be recorded and explained to the child.

6. A record of the conduct of the video identification or any other mode of identification shall include anything said by the witness –

- (a) about any identifications;
- (b) about the conduct of the procedure; or
- (c) in relation to any reasons why it was not practicable to comply with any provisions of these Rules.

7. The record of the conduct of the video identification or any other mode of identification shall be made on forms provided for that purpose.

8. A record shall be made of a person's failure or refusal to cooperate in a video identification, identification parade or group identification and of the grounds for such failure or refusal.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE X

**THE TAKING OF DEOXYRIBONUCLEIC ACID (DNA) INTIMATE AND NON-INTIMATE SAMPLES OF A CHILD****A. Definitions**

“intimate sample” and “non-intimate sample” have the meanings assigned to them under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34.

**B. Procedure for taking non-intimate samples from a child**

1. A non-intimate sample may be taken from a child without the appropriate consent in the following circumstances:

- (a) the child has been arrested and-
  - (i) he has not had a non-intimate sample taken of the same type and from the same part of the body;
  - (ii) the non-intimate sample is taken in the course of the investigation of the offence by the police; or
  - (iii) is in police custody and as a result they have had such a sample taken but it proved insufficient; and
- (b) there are reasonable grounds for suspecting the child's involvement in an offence;
- (c) on the authority of the Court; or
- (d) the child has been charged with an offence and he has not had a non-intimate sample taken from him in the course of the investigation or if so, it has proved unsuitable or insufficient.

2. Reasonable force may be used if necessary to take a non-intimate sample from a child without consent but only after the person has been informed of-

- (a) the reason for taking the sample;
- (b) the power under which the sample is to be taken; and
- (c) the fact that the relevant authority has been given the power.

3. Whether with or without consent, the child and the parent, guardian or person with responsibility for the child or appropriate adult shall be informed that his sample or information derived from it may be the subject of a search again.

4. Removal of clothing of a child shall only be done -

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

- (a) in the presence of a parent, guardian or person with responsibility for the child or an appropriate adult of the same sex unless the child requests the presence of an adult of the opposite sex; or
- (b) in the presence of a health care professional or registered medical practitioner who may be of the opposite sex.

**C. Procedure for taking intimate samples from a child**

1. Before a child is asked to provide an intimate sample –
  - (a) a parent, guardian, person with responsibility for the child or an appropriate adult shall be present;
  - (b) the child and the parent, guardian, person with responsibility for the child or an appropriate adult shall be informed of the child's right to legal representation; and
  - (c) both the child and the parent, guardian, person with responsibility for the child or an appropriate adult shall be informed –
    - (i) of the reason for taking the intimate sample;
    - (ii) of the nature of the offence; and
    - (iii) that authorisation has been obtained.
2. Notwithstanding subrule 1, an appropriate adult cannot be of the opposite sex.
3. When clothing needs to be removed in circumstances likely to cause embarrassment to the child, no persons of the opposite sex shall be present except the following persons:
  - (a) a registered medical practitioner or registered healthcare professional; and
  - (b) apparent, guardian, or person responsible for the child,unless the child specifically requests the presence of any of the foregoing persons of a specific sex.
4. Where an appropriate adult has to be present in the context of subrule 3, he shall be of the same sex as the child unless the child requests otherwise.
5. No one whose presence is unnecessary shall be present in the circumstances referred to in subrule 3.
6. Records shall be made in the child's custody record of the taking of intimate samples and the persons present and the time and date of taking.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**RULE XI****ATTORNEY-AT LAW**

1. A child shall be given every opportunity to consult privately with an Attorney-at-law at all times.

**RULE XII****RELEASE OR CUSTODY**

1. Where a child has voluntarily attended a police station or at any other place where a constable is present; he shall be entitled to leave at will unless he is placed under arrest.
2. Where the child referred to in subrule 1 is to be arrested, he shall be informed at once that he is under arrest and the grounds of the arrest if a decision is taken by a constable to prevent him from leaving at will.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE XIII

## CUSTODY RECORD, ETC.

1. Every police station shall keep a custody record in writing and electronically, of each child arrested at that police station, in the form prescribed for that purpose.

2. The Form referred to in subrule 1 shall include the following information:

- (a) name;
- (b) age;
- (c) address;
- (d) date and time the child was arrested;
- (e) reason for arrest;
- (f) arresting officer;
- (g) authorisation for arrest;
- (h) whether child was charged;
- (i) who was called, for example, the parent, guardian, person with responsibility for the child or appropriate adult and their names and addresses;
- (j) the date and time of the call to the persons required to be contacted pursuant to these Rules;
- (k) whether Duty Counsel was informed and the name of Duty Counsel and the time the Duty Counsel attended the police station;
- (l) whether or not a statement was recorded from the child;
- (m) whether the child has any special needs and whether an appropriate professional was contacted to attend to the needs of the child;
- (n) whether a search was conducted and the type of search and the persons present to witness the search;
- (o) items withheld from or kept by the child following the search;
- (p) replacement clothing supplied to the child;
- (q) risks identified in relation to the child and any control or support measures implemented;
- (r) medical questionnaire administered to the child;
- (s) time placed in a cell, cell number and whether the cell was searched prior to the child being placed in the cell;
- (t) reasons for child being placed in a particular cell;
- (u) use of any force or restraints and justification for the use;
- (v) whether fingerprinted, date and time of fingerprinting and the officer taking the fingerprint;
- (w) whether photographed, date and time photograph taken and officer taking the photograph;
- (x) whether put on identification parade and type of identification parade; and
- (y) any other information relevant to the child in the circumstances.

## JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

## RULE XIV

## RECORDS IN GENERAL

1. In addition to the records required by the foregoing Rules, full records of each child shall be kept in separate files of the following matters:

- (a) the time or times at which cautions were given;
- (b) the time or times when a charge was made and the person who was arrested;
- (c) the times at which during the questioning or making of a statement there were intervals or refreshment taken and the nature of the refreshment; and
- (d) any other matters pertaining to the investigations and the custody of each child.

2. If two or more police officers are present when the questions are being put or the statement made, the records made shall be countersigned by the other officers present.

3. The statement of a child may be recorded by electronic audio recording or video recording and the transcripts of the recorded statements shall be prepared and verified by the certificate of those responsible for the accuracy of the recording and of the transcript in accordance with the Recording of Court Proceedings Act, Chap.4:31 and shall be admissible as evidence that a confession has been made freely and voluntarily.

4. A record shall be made of all those participating in or seeing the set of images whose names are known to the police.

5. A record of the taking of photographs shall be made on forms provided for the purpose including anything said by the witness –

- (a) about any identifications;
- (b) about the conduct of the procedure; and
- (c) with respect to any reasons why it was not practicable to comply with any provisions of these Rules.

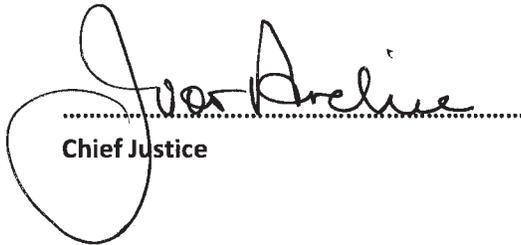
JUDGES' RULES FOR CHILDREN, 2016—CONTINUED

**RULE XV**

**BREACH OF THE JUDGES' RULES**

1. A breach of these Judges' Rules shall not necessarily invalidate any procedure under these Rules.
2. A breach of these Judges' Rules shall firstly be one for the discretion of the Court and secondly, be a matter of weight for the Master, Judge or Jury, as the case may be.

The Judges have directed that these Judges' Rules for Children shall come into effect on the First day of November, 2016.

  
.....  
Chief Justice

  
.....  
Judge of the High Court