

CAYMAN ISLANDS



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**A BILL FOR A LAW TO VALIDATE ALL ACTS DONE IN GOOD
FAITH BY JUDGES, MAGISTRATES AND OTHER AUTHORIZED
PERSONS IN THE PURPORTED EXERCISE OF THE CIVIL
JURISDICTION OF THE JUVENILES LAW, 1990 BETWEEN 12th
MARCH, 1996 AND 30th JUNE, 2012; TO INDEMNIFY THE JUDGES,
MAGISTRATES, AND OTHER AUTHORIZED PERSONS IN RESPECT
OF THOSE ACTS; AND FOR INCIDENTAL AND CONNECTED
PURPOSES**

THE JUVENILES LAW (VALIDATION) BILL, 2012

MEMORANDUM OF OBJECTS AND REASONS

This purpose of the Bill is to validate all acts carried out in good faith by Judges, magistrates and other authorized persons in the purported exercise of the civil jurisdiction under the Juveniles Law, 1990 between 12th March, 1996 and 30th June, 2012 and to indemnify the Judges, magistrates and other authorized persons in respect of those acts carried out during that time.

The Legislative Assembly passed two Laws on 13th September, 1995. One was the Youth Justice Law (Law 8 of 1995) and the other was the Children Law (Law 9 of 1995).

The Youth Justice Law, 1995, among other things, repealed Parts I, II, III, IV, VI and VII and sections of Part VIA of the Juveniles Law. The Children Law, 1995, on the other hand repealed Part V and sections of Part VIA.

The Youth Justice Law entered into force on 12th March, 1996. The effect of this is that Parts I, II, III, IV, VI and VII and sections of Part VIA of the Juveniles Law were repealed. This meant, among other things, that the provisions of the Juveniles Law that established Juvenile Courts were repealed.

The Children Law, 1995 never entered into force. This Law contained the provisions relevant to the civil jurisdiction for matters relating to children.

Despite the coming into force of the Youth Justice Law and the resulting repeal of the provisions relating to the Juveniles Court, Judges, magistrates and other authorized persons continued to act pursuant to the repealed sections of the Juveniles Law, 1990 in the purported exercise of the jurisdiction conferred by the Juveniles Law. The actions carried out in the purported exercise of the jurisdiction of the Juveniles Court are in need of validation.

The acts needing validation include decisions by a court convened and purporting to exercise the jurisdiction of a Juveniles Court and the actions or omissions of Judges, magistrates, justices of the peace, constables, social workers, probation officers and other authorized persons who carried out acts, or omitted to carry out acts, in the purported exercise of the jurisdiction conferred by the Juveniles Law, 1990.

These acts or omissions in need of validation commenced on 12th March, 1996 with the entering into force of the Youth Justice Law and likely continued to 30th June, 2012. The Children Law, 2003 came into force on 1st July, 2012.

Clause 1 provides the short title.

Clause 2 provides for the validation of the orders of the court and acts carried out in good faith by the Judges, magistrates and other authorized persons in the purported exercise of the jurisdiction conferred by the Juveniles Law, 1990, between 12th March, 1996 and 30th June, 2012.

Clause 3 seeks to indemnify the Judges, magistrates and other authorized persons who acted in good faith in the purported exercise of the jurisdiction conferred by the Juveniles Law, 1990 against any claims, damages or legal proceedings.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Juveniles Law (Validation) Law, 2012. Short title
2. The orders made by any court and any acts done by any Judge, magistrate, clerk of the court, justice of the peace, probation officer, social worker, constable or any other authorized person acting in good faith in the purported exercise of the civil jurisdiction of the Juveniles Law, 1990, between 12th March, 1996 and 30th June, 2012 are validated and are taken to have been properly and lawfully made or done. Validation
3. Every Judge, magistrate, clerk of the court, justice of the peace, probation officer, social worker, constable or any other authorized person whose actions are validated under section 2 is indemnified against any claims, damages, costs, charges, expenses or any legal proceedings in respect of or as a result of those Indemnity

The Juveniles Law (Validation) Bill, 2012

acts done in good faith in the purported exercise of the civil jurisdiction of the Juveniles Law, 1990 between 12th March, 1996 and 30th June, 2012.

Passed by the Legislative Assembly the day of , 2012.

Speaker.

Clerk of the Legislative Assembly.