

ANTIGUA AND BARBUDA



**CHILD JUSTICE (AMENDMENT) BILL 2017**

**No.        of 2017**



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**ARRANGEMENT OF CLAUSES**

Clauses

1. Short title
2. Interpretation
3. Amendment of section 5 the principal Act
4. Amendment of section 43 of the principal Act
5. Amendment of section 52 of the principal Act

**CHILD JUSTICE (AMENDMENT) BILL 2017**

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**No.        of 2017**

**A BILL** to amend the Child Justice Act 2015, No. 23 of 2015 to raise the age of criminal responsibility from 8 years to 10 years in keeping with regional standards and for other related and connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda.

**1. Short title**

This Act may be cited as the Child Justice (Amendment) Act 2017

**2. Interpretation**

In this Act -

“principal Act” means the Child Justice Act 2015, No. 23 of 2015.

**3. Amendment of section 5 of the principal Act**

The principal Act is amended in section 5 by repealing the words “of eight years” wherever it occurs and replacing these with the words “of ten years”.

**4. Amendment of section 43 of the principal Act**

Section 43 of the principal Act is amended in paragraph (a) by repealing the words “between 8 years and 12 years” and replacing these with the words “under fourteen years”.

**5. Amendment of section 52 of the principal Act**

Section 52 of the principal Act is amended –

- (a) in subsection (1) by repealing the words “of eight years” and replacing these with the words “of ten years”; and
- (b) in subsection (3) by repealing the words “of subsection (3)” and replacing these with the words “of subsection (2)”.

Passed by the House of Representatives  
on the      day of                      2017.

Passed by the Senate on the  
day of                                      2017.

Speaker

President

Clerk to the House of Representative

Clerk to the Senate

**EXPLANATORY MEMORANDUM**

This amendment seeks to raise the age of criminal responsibility from 8 years to 10 years. However, notwithstanding the age of criminal responsibility being raised to 10 years of age, a child under 14 years cannot be prosecuted for an offence unless the court first proves beyond reasonable doubt that the child has the capacity to withstand a criminal trial.

The intention of this amendment is to bring Antigua and Barbuda more in-line with the International recommendation that the age of criminal responsibility not be set too low as to criminalise our children, when at times they are victims of adults who incite them to commit criminal activity.

*Hon. Steadroy C. O. Benjamin*

*Attorney General;*

*Minister of Justice, Legal Affairs and Labour*