

A BILL

ENTITLED

AN ACT to Amend the Child Care and Protection Act.

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

PART I—*Preliminary*

1. This Act may be cited as the Child Care and Protection (Amendment) Act, 2018, and shall be read and construed as one with the Child Care and Protection Act (hereinafter referred to as the principal Act), and all amendments thereto. Short title and construction.
2. Section 10 of the principal Act is amended— Amendment of section 10 of principal Act.
 - (a) in subsection (2), by deleting the word “ten” and substituting therefor the word “twenty”; and

(b) by inserting next after subsection (2), the following subsection—

“ (3) Where a person is charged with an offence under subsection (2)—

- (a) there shall be no committal proceedings; and
- (b) the person shall be tried before a Judge of the Circuit Court sitting without a jury.”.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Child Care and Protection Act to enable offences under section 10 (2) of the Act to be tried—

- (a) without committal proceedings; and
- (b) before a Judge of the Circuit Court sitting without a jury.

That decision was taken in recognition of the complex nature of the issues involved in the trial of those offences, which often involve criminal networks and gangs and expose jurors and witnesses to a high risk of intimidation and influence. The mounting of viable prosecutions in these cases also requires the expenditure of considerable financial and human resources.

A decision has also been taken to amend section 10(2) of the Act to increase the term of imprisonment from ten (10) years to twenty (20) years of imprisonment for the commission of offences under that subsection. This will bring the penalty in line with the penalty for similar offences under the Trafficking in Persons (Prevention, Suppression and Punishment) Act.

This Bill seeks to amend the Child Care and Protection Act, to give effect to those decisions and is a companion measure to the Bill shortly entitled the Trafficking in Persons (Prevention, Suppression and Punishment) (Amendment) Act, 2018.

DELROY CHUCK
Minister of Justice.

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As introduced by the Honourable Minister of
Justice.

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SECTION 10 OF THE PRINCIPAL ACT WHICH IT
IS PROPOSED TO AMEND

10.—(1) No person shall sell or participate in the trafficking of any child.

(2) Any person who commits an offence under subsection (1) shall be liable on conviction on indictment before a Circuit Court, to a fine or to imprisonment with hard labour for a term not exceeding ten years, or to both such fine and imprisonment.

