

EXPLANATORY NOTE

CHILD JUSTICE (AMENDMENT) BILL

1. The Bill for consideration is the Child Justice (Amendment) Bill (the Bill).
2. The purpose of the Bill is to amend the Child Justice Act, Cap. 3.09 (the Act).
3. Clause 1 of the Bill makes provision for the short title of the Bill and clause 2 of the Bill provides for interpretation.
4. Clause 3 of the Bill amends section 38 of the Act (Intention to prosecute) to extend the period for the issue of a certificate confirming an intention to prosecute by the Director of Public Prosecutions from twenty-eight days to ninety days, to recognize certificates issued before the making of Regulations under the Act and to apply the ninety day period to proceedings that are already instituted.
5. In clause 4 of the Bill, Schedule 3 of the Act (Offences for which a child may not be released from police custody) is amended to insert a reference to section 38(5) of the Act.

No.]

Child Justice (Amendment) Act

[2026

SAINT LUCIA

No. of 2026

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 38
4. Amendment of Schedule 3

No.]

Child Justice (Amendment) Act

[2026

I Assent

[L.S.]

SAINT LUCIA

No. of 2026

AN ACT to amend the Child Justice Act, Cap. 3.09.

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BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Child Justice (Amendment) Act, 2026.

Interpretation

2. In this Act, “principal Act” means the Child Justice Act, Cap. 3.09.

Amendment of section 38

3. Section 38 of the principal Act is amended —

- (a) in subsection (1), by inserting immediately after the word “law” the words “for an offence not specified in Schedule 3”;
- (b) in subsection (3), by deleting the words “twenty-eight days” and substituting the words “ninety days”;
- (c) by inserting immediately after subsection (3) the following new subsections (4), (5), (6), (7), (8), (9) and (10) —

“(4) For the avoidance of doubt —

- (a) a certificate under subsection (1) confirming an intention to prosecute is not required where a child in conflict with the law is charged with an offence specified in Schedule 3;
- (b) where the former twenty-eight day period under subsection (3) expired before the period is changed to ninety days and the Director of Public Prosecutions is regarded as having declined to institute proceedings, such declination is extinguished and reversed and the Director of Public Prosecutions may, subject to subsection (2), issue a certificate confirming intention to prosecute in the case of an offence not specified in Schedule 3, within sixty days after considering the matters under subsection (2).

(5) Where a child is charged with an offence specified in Schedule 3, the prosecution may proceed to plea and trial in accordance with court procedures without issuing a certificate under subsection (1).

(6) For the purposes of this section, a certificate is issued if it is —

- (a) signed by the Director of Public Prosecutions; and
- (b) lodged with the Court in which the prosecution is to be instituted or continued.

(7) The Director of Public Prosecutions shall cause a copy of a certificate issued under subsection (1) to be provided, as soon as reasonably practicable, to —

- (a) the child;
- (b) the attorney-at-law representing the child;
- (c) the parent or appropriate adult responsible for the child, where applicable.

(8) A certificate confirming intention to prosecute issued or proceedings instituted after the expiration of the former twenty-eight days is deemed to be valid and to be effectively issued or instituted as if the ninety-day period had been in force at the time of the initial inquiry.

(9) A certificate confirming the intention to prosecute issued by the Director of Public Prosecutions before the make of Regulations to prescribe the form is not invalid and is deemed to comply with subsection (1) if the certificate confirming the intention to prosecute —

- (a) identifies the child;
- (b) identifies the offence or offences in respect of which prosecution is intended;
- (c) contains an unequivocal statement confirming an intention to prosecute; and
- (d) is signed by the Director of Public Prosecutions.

(10) Nothing in this section —

- (a) affects the application of the requirement for a certificate under subsection (1) in respect of an offence that is not specified in Schedule 3;
- (b) requires the Director of Public Prosecutions to institute or continue a prosecution;
- (c) limits or directs the exercise of the powers of the Director of Public Prosecutions under section 73 of the Constitution of Saint Lucia, Cap. 1.01 or sections 649 and 802 of the Criminal Code, Cap. 3.01;
- (d) reopens an acquittal;
- (e) affects the rights of a child to challenge the continuation of proceedings on any constitutional or other ground independent of the former twenty-eight day period; or
- (f) prevents a Court from granting any remedy necessary to secure a fair trial or to prevent material injustice.”.

Amendment of Schedule 3

4. Schedule 3 of the principal Act is amended in the brackets appearing immediately after the heading “SCHEDULE” by inserting immediately after the words “32(3)” and the comma the words “38(5)” and a comma.

Passed in the House of Assembly this day of ,
2026.

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Speaker of the House of Assembly.

Passed in the Senate this day of , 2026.

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President of the Senate.