



**St Helena
Government**

ST HELENA GOVERNMENT

A BILL FOR AN ORDINANCE

WELFARE OF CHILDREN (CRUELTY TO CHILDREN AND
YOUNG PERSONS) (AMENDMENT) ORDINANCE, 2017

Laid on the table 19th December 2017



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Welfare of Children Ordinance, 2008, to further deal with offences relating to cruelty to children and young persons; to amend the Police and Criminal Evidence Ordinance, Cap. 29, to add offences relating to cruelty to children and young persons to the list of arrestable offences; and for purposes connected and incidental to it.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title

1. This Ordinance may be cited as the Welfare of Children (Cruelty to Children and Young Persons)(Amendment) Ordinance, 2017.

Cruelty to children and young persons

2. Section 144 of the Welfare of Children Ordinance, 2008, is amended—

(a) by repealing subsection (1) and substituting the following therefor:

“(1) A person commits an offence if, having attained the age of 17 years and having the actual custody, charge or care of any child or young person, that person—

(a) wilfully assaults, ill-treats (whether physically or otherwise), neglects abandons or exposes that child or young person; or

(b) causes or procures the child or young person to be assaulted, ill-treated (whether physically or otherwise), neglected, abandoned or exposed, in a manner likely to cause him or her unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement)-

Penalty: A fine of £2,000 or imprisonment for 2 years, or both.”;

(b) by adding the words “,or at any later time before the suffocation,” in subsection (2)(b) after the words “going to bed”;

(c) by inserting the following subsection after subsection (2):

“(2A) The reference in subsection (2)(b) to the infant being “in bed” with another (“the adult”) includes a reference to the infant lying next to the adult in or on any kind of furniture or surface being used by the adult for the purpose of sleeping (and the reference to the time when the adult “went to bed” is to be read accordingly).”;

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance amends the Welfare of Children Ordinance, 2008, to bring the offences relating to cruelty to children and young persons in line with the provisions in the English law. The Ordinance also amends the Police and Criminal Evidence Ordinance, Cap. 29, to provide that an offence under the Welfare of Children Ordinance relating the cruelty to children and young persons is an arrestable offence.