

## CHAPTER 18 - BORSTAL TRAINING

### ARRANGMENT OF SECTIONS

#### SECTION

1. Short title.
2. Interpretation.
3. Power to pass sentence of Borstal training.
4. Reports to be considered before sentence of Borstal training passed.
5. Appeal from sentences of Borstal training.

### A LAW TO PROVIDE FOR BORSTAL TRAINING

[15 February  
1968]

1. This Law may be cited as the Borstal Training Law.
2. —(1) In this Law, unless the context otherwise requires:-  
"Borstal institution" means a Borstal institution established under the provisions of the Borstal Institutions and Remand Centres Act, 1960;  
"court" means the High Court of Justice established under the High Court Law, a chief magistrate's court or a magistrate's court of the first grade established or deemed to have been established under or in pursuance of the Criminal Procedure Code Law, or an upper area court, area court grade I or area court grade II established or deemed to have been established under or in pursuance of the Area Courts Law;  
"legal practitioner" shall have the same meaning as in the Legal Practitioners Act, 1975.

(2) Where the age of any person at any time is material for the purposes of any provisions of this Law regulating the powers of a court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.

(3) References in this Law to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any Law or enactment upon the imprisonment of offenders of his age, but shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.

(4) Where any provision of this Law empowers a court on conviction of the offender to pass a sentence in lieu of dealing with him in any other manner, the said provision shall not be construed as taking away any power of the court to order the offender to pay costs, damages or compensation.

3. Where a person is convicted by a court of an offence punishable with imprisonment, then if on the day of his conviction he is not less than sixteen years but under twenty-one years of age, and the court is satisfied having regard to such evidence as is available as to his character and previous conduct, and to the circumstances of the offence, that it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a Borstal institution,

the court may, in lieu of any other sentence, pass a sentence of Borstal training.

**4.—**(1) Before a sentence of Borstal training is passed under section 3, the court shall consider any report or representation made by or on behalf of the Director of Prisons on the offender's physical and mental conditions and his suitability for the sentence, and if the court has not received such a report or representation it shall after conviction remand the offender in custody in a remand centre for such period or periods (not exceeding three weeks in the case of any single period) as the court thinks necessary to enable the report or representation to be made.

(2) A copy of any report or representation in writing made to a court by or on behalf of the Director of Prisons for the purposes of sub-section (1) shall be given by the court to the offender or his legal practitioner.

5. The provisions of any Law or enactment relating to appeals from sentences generally of a court shall apply in respect of sentences of Borstal training passed by the court under the provisions of this Law as they apply to other sentences passed by the court.