

GNA. 92

No. 11 of 1962

IN THE PRIVY COUNCIL

ON APPEAL FROM THE SUPREME COURT OF BERMUDA

Between

ALMON EUGENE HARDTMANN

7/1963

Appellant

- and -

THE QUEEN

Respondent

UNIVERSITY OF LONDON  
INSTITUTE OF ADVANCED  
LEGAL STUDIES  
  
19 JUN 1964  
  
25 RUSSELL SQUARE  
LONDON, W.C.1.

74096

PRACTICE AS TO TREATMENT OF  
YOUNG OFFENDERS

1. A young person (i.e. a person who has attained the age of 16 but is under the age of 21) who is convicted before the Supreme Court of an offence punishable with imprisonment may be sentenced to undergo corrective training (Young Offenders Act, 1950, S.43 (1): all references in this note to sections are to sections of that Act). A male young person sentenced to undergo corrective training is detained in the Senior Training School (ss.45,56), which is maintained under s.52. The maximum period of corrective training for a young person is three years (s.64), after which he is liable to be placed for another year under the supervision of someone appointed by the Treatment of Offenders Commissioners (s.65(2)). The Governor, after considering any recommendations made by the Commissioners of the Warden of Prisons, may release a young person from the Senior Training School at any time after the expiration of nine months from the date of the sentence (s.65(1): this power was transferred from the Governor-in-Council to the Governor by the Governor-in-Council (Devolution of Statutory Powers and Duties) Act, 1961); a young person so released is liable to be placed under supervision (s.65(2)), and may in certain circumstances be recalled to the School (s.65(3)). A young person so recalled may be detained in the School for six months or until the end of the maximum period of corrective training under s.64, whichever is the longer period (s.65(3)).

2. In practice, the period of a young person's detention in the Senior Training School depends upon his conduct there and his

response to the corrective training.

3. Subject to the provisions of s.6, the Supreme Court may sentence a young person to imprisonment. At the time of Hardtmann's trial, a young person so sentenced served his sentence in the Senior Training School, unless the Court directed otherwise. This system was established by certain additions to s.56, introduced by the Young Offenders (Prison Sentences) Act, 1960. At the end of 1961 a new prison was brought into use, of which there is a part for the detention of young persons separate from the part occupied by adult prisoners. The additions to s.56 introduced in 1960 were consequently repealed by the Young Offenders (Prison Sentences) Act, 1962. Young persons sentenced to imprisonment now serve their sentences in the separate part of the new prison.

4. When a young person is liable to be sent to prison, but the Court considers that some other punishment (i.e. corrective training, or binding over, or a fine) might be appropriate, the Court's practice is to ask a probation officer to make enquiries and submit a report. It is not the practice to do this if the Court is satisfied by information obtained from other sources that a punishment other than imprisonment is not appropriate.

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