

Juvenile Justice summary

Age categories

0 – 12

- irrebuttable presumption of capacity
- be dealt with i.t.o section 9 of CJA amended
- section 9 = do not arrest, hand over to suitable guardian, alert probation officer to assess child within 7 days after offence, refer to children's court on grounds on section 50, counselling and therapy session, accredited program for kids his age, further support services

12 – 14

- rebuttable presumption of doli and culpa incapax
- onus lies on the state to prove that the accused was capable to appreciate the difference between right and wrong and further has the mental, developmental, and inherent understanding and choice of associating himself with the act, aware of its nature and consequences without coercion or undue influence.
- Fault = x must have had subjective awareness of unlawfulness of conduct (insight)
- *S v Ngobese (SCA)* = court held that the state failed to assess X's conative capacity and make case B.R.D and gave factors to consider in the rebut, *age* (susceptibility to pressure (*S v Lehnberg*), general development) and *nature of offense* (schedules 1-3)
- Applies to X who was less than 14 at the time, but is currently between 18 and 21
- Refer to probation officer for preliminary hearing or direct diversion

Statutes

Constitution – section 28(1)(g) – right to not be detained, detention be last measure for shortest time away from adults >18

Correctional services act (repealed) – section 29 children be detained awaiting. CJA says only schedule 2 offences to be kept for 48 hours

Children's Act – section 13 – youth centers for diversion and corrective interventions

Criminal Procedure Act (section repealed) – diff sentencing but same procedure as adult, e.g. whipping. However, the Constitutional Court in *S v Williams* (1995) ruled that whipping as a sentence for child offenders contravened the constitutional right to dignity, and outlawed its use as a cruel, inhuman and degrading punishment.

Summary Justice Summary Justice

Jenni Ward



Summary Justice Summary Justice:

Transforming Summary Justice Jenni Ward, 2016-11-10 Sweeping changes are being introduced into the lower tier magistrates courts in England and Wales in efforts to modernise the system and speed up case processing They concentrate on delivering prompt justice within a modern efficient and technologically advanced system But these transformations are fundamentally changing the way justice is delivered This book analyses criminal court streamlining processes and argues that there are areas where due process protections are being undermined Transforming Summary Justice reports empirical research carried out with lay magistrates and criminal justice professionals Views and experiences drawn from magistrates are valuable because of the central role they perform in lower court justice Further magistrates provide a wider understanding of the context in which the lower criminal courts operate and enable a critical appraisal of this unique style of lay justice This book is directed at students of criminology criminal justice and socio legal studies who will find the debates stimulating and useful to engage with in contemporary analyses of criminal court justice It will also be of interest to justice and legal professionals who are seeing swingeing alterations to the field in which they work The book will have appeal in other common law jurisdictions where similar modifications to lower court justice are occurring and also across Europe where lay involvement in legal decision making is being debated and becoming accepted practice The Politics of Informal Justice Richard L. Abel, 2014-06-28 The Politics of Informal Justice Politics and Justice in Late Medieval Bologna Sarah Rubin Blanshei, 2010 Utilizing a uniquely rich collection of trial records and council meeting minutes from late medieval Bologna this book offers the first study of summary justice and oligarchy in an Italian commune demonstrating how new legal institutions arose in response to the increasingly exclusionary policies of the popolo government **Justice and Police** Maitland, 1885 Summary of State and Local Justice Initiatives American Bar Association. Ad Hoc Committee on State Justice Initiatives, 1998 *Justice of the Peace and Local Government Review*, 1894 **Report on the Justice Statistics of the Dominion of New Zealand**, 1928 *A Collection of Cases Decided in the Court of Review of British Guiana: 1867-1873* British Guiana. Court of review, 1874 **A Summary of the Comprehensive Criminal Justice Plan for Crime Prevention and Control** Massachusetts. Committee on Law Enforcement and Administration of Criminal Justice, 1969 *Justice of the Peace*, 1892 **Calcutta Weekly Notes**, 1915 Queenland Justice of the Peace and Local Authorities' Journal, 1913 *Wharton's Law Lexicon* John Jane Smith Wharton, 1916 **Hell on Wheels** David Blanke, 2007 A fascinating look at the rise and growing popularity of the automobile during the first half of twentieth century America which brought with it a dark undercurrent On the one hand Americans embraced the newfound sense of freedom and mobility embodied by the automobile on the other they grew increasingly anxious about and fearful of the enormous threat that cars and car accidents posed to public safety **House documents**, 1878 **Tripp v. Dziwanoski, 375 MICH 619 (1965)**, 1965 50492 **North Carolina Law Journal**, 1900 *The Canada law journal*, 1907 A History of the French

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