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Source: U.S. Census Bureau, *Marriage, Divorce, Remarriage in the 1990s* (Washington, D.C.: U.S. Government Printing Office, 1996).

Section 3 of the Act provides that where a person who has attained the age of eighteen years but is under the age of twenty-three years is convicted in any Court for any offence, the Court, instead of sentencing that person to imprisonment, should deal with him in any other manner prescribed by law. And, Section 3(4) envisages an enquiry by that Court for the purposes of Section 3(1) as to the age of that person.

The record of appeal is silent as to the age of the appellant and, it is evident from the said record, that the learned Magistrate made no enquiry as to the age of the appellant as contemplated by Section 3(4), before he imposed that penalty. This Court was only made aware of the age of the appellant by the production of his birth certificate. I therefore find merit in this ground of appeal. The learned Magistrate having thus failed to comply with the aforesaid law, that is enough ground for this Court to allow this appeal and quash the sentence imposed. However, the conviction remains.

Section 155 of the Magistrate's Code of Procedure Cap 4:20 of the Revised Laws of Dominica gives power to this Court, on the hearing of appeal from Magistrates "to make such other order in the matter as the Court may think just and may by such order, exercise any power which the Magistrate might have exercised". Utilising this power, I would accordingly determine the appropriate penalty for this offence.

Having regard to the age of the appellant and the fact that this was his first offence, I would regard the imposition of a fine an appropriate penalty. I would accordingly impose a fine on the appellant of \$1,000 to be paid within three (3) weeks from the date of this judgment, in default, imprisonment for a term of six (6) months.

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SATROHAN SINGH
JUSTICE OF APPEAL (AG)

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JIR VINCENT FLOISSAC
CHIEF JUSTICE

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A.N.J. MATTHEW
JUSTICE OF APPEAL (AG)