

- (b) after the making of a youth attendance order, the child in respect of whom the order is made is taken into custody in a remand centre, youth residential centre, youth training centre or prison—

the relevant manager or responsible officer may by a notice in writing in the prescribed form sent by registered post to, or served personally on, the child suspend the child's service of the youth attendance order.

(2) The relevant manager or responsible officer referred to in sub-section (1) must, after consultation with the appropriate parole board, superintendent of a youth residential centre or youth training centre or the Office of Corrections, determine a time at and date on which a person shall commence or re-commence service of the youth attendance order and must by a notice in writing sent by registered post to, or served personally on, the person specify the time at and date on which the person is first required to report to the relevant manager or responsible officer.

(3) With the consent of the appropriate parole board, the relevant manager or responsible officer may direct that the term of operation of a youth attendance order be served concurrently with a period of parole but the service of the youth attendance order must not be a condition of the parole.

#### **Court may require manager or responsible officer to report**

**179. (1)** If, at any time during a person's service of a youth attendance order, a Court—

- (a) finds the person guilty of an offence; and  
 (b) is aware that a youth attendance order is in force in respect of the person—

the Court may require the relevant manager or responsible officer to provide the Court with a report on the extent to and the manner in which the person has complied with the youth attendance order.

(2) In dealing with the offence referred to in paragraph (a) of sub-section (1), a Court—

- (a) may take into account the report referred to in that sub-section; and  
 (b) must not impose on the person a penalty greater than the penalty which the Court may impose for that offence.

#### **Director-General may appoint youth attendance projects**

**180. (1)** For the purposes of this Subdivision the Director-General by notice published in the *Government Gazette* may appoint any project as a youth attendance project and may by like notice at any time revoke the appointment.

(2) A project appointed as a youth attendance project may be conducted—

- (a) by a youth supervision unit; or
- (b) by any other person or body.

**Objects of youth attendance project**

**181.** The objects of a youth attendance project are to provide a child in respect of whom a youth attendance order is in force with activities and requirements—

- (a) which take into account the gravity of the child's behaviour; and
- (b) which penalise the child by imposing restrictions on his or her liberty; and
- (c) which require the child to make amends for the offence committed by him or her by performing community services; and
- (d) which provide the child with opportunities to receive such instruction, guidance, assistance and experiences as will assist the child in developing an ability to abide by the law and complete the requirements of the youth attendance order.

**Person subject to control, etc. of manager or responsible officer**

**182.** A person in respect of whom a youth attendance order is in force is subject to the reasonable control, direction and supervision of the relevant manager or responsible officer or any person acting under the authority of the relevant manager or responsible officer during—

- (a) each period of the person's attendance at a youth attendance project; and
- (b) the person's absence from a youth attendance project when the person is complying with a direction of that person; and
- (c) the person's time of travel between the youth attendance project and a place outside the youth attendance project at which the person is directed to be by that person.

**Community service**

**183. (1)** A person in respect of whom a youth attendance order is in force must engage in community service or other activities as directed by the relevant manager or responsible officer.

**(2)** A direction given by the relevant manager or responsible officer—

- (a) may require a person to engage in community service activities—
  - (i) at or in relation to a community service organisation; or
  - (ii) at the home of any old, infirm or disabled person; or

- (iii) on any Crown land or land occupied by the Crown or owned, leased or occupied by any person or body under any Act for a public purpose; and
  - (b) must not require a person to engage in any community service activities so as to take the place of some other person who would usually be engaged in those activities for hire or reward if that other person is absent from those activities because of an industrial dispute involving that other person's employer or is otherwise available and willing to perform the work required in those activities.
- (3) If a direction under sub-section (1) requires a person to engage in community service activities—
- (a) the person is, for the purposes of the *Accident Compensation Act 1985* or any other Act or law, to be taken to be a worker employed by the Crown; and
  - (b) for the purposes of the *Accident Compensation Act 1985* the weekly earnings of the person are to be taken to be an amount equivalent to the weekly earnings of the person in any full-time employment in which the person is engaged at that time or, if the person is not then engaged in full-time employment, an amount which the Minister administering the *Accident Compensation Act 1985* considers reasonable in the circumstances of the case; and
  - (c) the person is not entitled to receive any remuneration in respect of any work performed in those community service activities.

#### **Breach of youth attendance order**

- 184.** (1) A person subject to a youth attendance order who—
- (a) commits an offence during the period that the youth attendance order is in force; or
  - (b) does not report to the relevant manager or responsible officer as specified under section 172 (c) or 178 (2) (as the case requires); or
  - (c) fails to attend the youth attendance project as specified in a notice under section 177 (2) or at an alternative time and on an alternative day fixed under section 177 (5) without being excused from attending; or
  - (d) fails to comply with an extension of the term of the youth attendance order under section 177 (6); or
  - (e) contravenes any provision of a regulation made for the purposes of this Subdivision; or
  - (f) contravenes any reasonable direction of the relevant manager or responsible officer under section 182 or 183 (1); or

- (g) refuses to work as directed during an attendance at a youth attendance project; or
- (h) is absent from or leaves—
  - (i) a youth attendance project; or
  - (ii) any other place at which the child has been directed to be present under section 182 (b)—  
without reasonable excuse at a day and time when the person is required to be present—

must be taken to have breached the youth attendance order.

(2) Subject to sub-section (3), on application to the Court by the Director-General the Court may, if it is satisfied that a person has breached a youth attendance order, make—

- (a) an order varying or revoking the youth attendance order; or
- (b) an order directing the person to comply with the youth attendance order; or
- (c) any order in respect of the person which the Court could originally have made if it had not made the youth attendance order but must not make an order for the person to be kept in custody for a period longer than the period of the breached youth attendance order.

(3) If a breach of a youth attendance order is constituted by—

- (a) any act the subject of a charge before a court, any proceeding for the breach must be commenced not later than 3 months after a finding of guilt in respect of the charge; or
- (b) any other act, any proceeding for the breach must be commenced not later than 14 working days after the alleged breach and before the expiry of the youth attendance order.

(4) The Director-General may by charge and summons require the attendance of the person at the hearing of the application in which case—

- (a) sections 26, 27, 28, 30, 31, 32 and 33 of the *Magistrates' Court Act 1989* apply, with any necessary modifications, to the charge and summons; and
- (b) every such charge is to be regarded as a charge for an offence and every such summons is to be regarded as a summons to answer a charge.

(5) In dealing with an application under sub-section (2), the Court must take into account—

- (a) a report on the person prepared by the relevant manager or responsible officer; and
- (b) the fact of the making of the youth attendance order; and
- (c) the extent to and the manner in which the person has complied with the youth attendance order.

(6) A relevant manager or responsible officer must, at the request of the Director-General, provide the Director-General with—

- (a) a certificate of attendance in the prescribed form; and
- (b) a report on the person and on the extent to and the manner in which the person has complied with the youth attendance order—

to enable the Director-General to determine whether an application under sub-section (2) should be made.

(7) If a person fails to appear before the Court at the time fixed for the hearing of the application, a warrant to arrest the person may be issued by the Court.

(8) Division 3 of Part 4 of the *Magistrates' Court Act 1989* applies, with any necessary modifications, to warrants under sub-section (7), and in particular with the modification that a reference to the bringing of a person before the Magistrates' Court is to be construed as a reference to bringing the person as soon as practicable before the Children's Court.

(9) If it is not possible for the Court to deal immediately with an application under sub-section (2) in respect of which the person has been arrested under sub-section (7), for the purposes of granting bail the provisions of this Act and the *Bail Act 1977* apply, with any necessary modifications, and in particular with the modification that a reference to a person accused of an offence or an accused person is to be construed as a reference to the person subject to the youth attendance order.

(10) If a person subject to the youth attendance order is being held in custody pending the determination of an application under sub-section (2), the person must be detained in a youth training centre.

(11) A person in respect of whom an order is made by the Court under sub-section (2) may appeal from the order.

#### **Application for variation or revocation of order**

**185.** (1) Subject to sub-sections (2), (3) and (4), the Director-General or a child in respect of whom a youth attendance order is in force may apply to the Court for a variation or the revocation of the youth attendance order.

(2) An application under sub-section (1) may be made where—

- (a) the circumstances of the child—
  - (i) have changed since the making of the youth attendance order; or
  - (ii) were not accurately presented to the Court or the manager or responsible officer referred to in section 171 (b) before the making of the youth attendance order;
- (b) the child is in custody or is otherwise unable to comply with the youth attendance order; or

(c) the child is no longer willing to comply with the order.

(3) If the Director-General is the applicant under sub-section (1), the Director-General must, as soon as practicable after the making of the application, send by registered post to, or serve personally on, the child a notice of the date set by the Court for the hearing of the application.

(4) If the child is the applicant under sub-section (1), the principal registrar must, as soon as practicable after the making of the application, send by registered post to, or cause to be served personally on, the Director-General a notice of the date set by the Court for the hearing of the application.

(5) In dealing with an application under sub-section (1), the Court must take into account—

- (a) a report on the child prepared by the relevant manager or responsible officer; and
- (b) the fact of the making of the youth attendance order; and
- (c) the extent to and the manner in which the child has complied with the youth attendance order—

and, subject to sub-section (6), may make—

- (d) an order varying the youth attendance order, but not extending the period of the order, or revoking the youth attendance order; or
- (e) an order directing that the youth attendance order continue in force; or
- (f) any order in respect of the child which the Court could originally have made if it had not made the youth attendance order.

(6) If a child in respect of whom an application is made under sub-section (1) fails to appear before the Court at the time fixed for the hearing of the application, a warrant to arrest the child may be issued by the Court.

(7) Division 3 of Part 4 of the *Magistrates' Court Act 1989* applies, with any necessary modifications, to warrants under sub-section (6), and in particular with the modification that a reference to the bringing of a person before the Magistrates' Court is to be construed as a reference to bringing the child as soon as practicable before the Children's Court.

(8) If it is not possible for the Court to deal immediately with an application under sub-section (1) in respect of which the child has been arrested under sub-section (6), for the purposes of granting bail the provisions of this Act and the *Bail Act 1977* apply, with any necessary modifications, and in particular with the modification that a reference to a person accused of an offence or an accused person is to be construed as a reference to the child.

(9) If a child is being held in custody pending the determination of an application under sub-section (1), the child must be detained in a youth training centre.

(10) If a child changes his or her place of residence, the Director-General may, on receipt of an application in writing by the child, send by registered post to, or serve personally on, the child a written authority to attend at another youth attendance project specified in the authority at the time and place specified in the authority and the giving of the authority has effect as if it were a variation of a youth attendance order by the Court under sub-section (5) (d).

(11) A child in respect of whom an order is made by the Court under sub-section (5) (d), (e) or (f) may appeal from the order.

### **Subdivision 9—Youth Residential Centre Orders**

#### **Court may make youth residential centre order**

**186. (1) If—**

- (a) the Court finds a child guilty of an offence, whether indictable or summary; and
- (b) on the day of sentencing, the child is aged 10 years or more but under 15 years; and
- (c) the Court is satisfied that no other sentence is appropriate; and
- (d) the offence is one punishable by imprisonment (other than for default in payment of a fine)—

the Court may convict the child and order that the child be detained in a youth residential centre.

(2) If the Court makes an order under sub-section (1), it must give reasons for making the order.

(3) The Court must not make an order under sub-section (1) if the child is not present before the Court.

#### **Youth residential centre orders**

**187. (1)** If a child is ordered to be detained in a youth residential centre under section 186, the period of detention in respect of an offence must not exceed the maximum term of imprisonment for the offence if committed by an adult and in any event must not exceed 1 year.

(2) If a child is convicted on the same day, or in the same proceeding, of more than one offence—

- (a) any period of detention in a youth residential centre shall be concurrent with any period of detention in respect of any other of the offences, unless the Court, at the time of sentencing, states that the sentences are cumulative and gives reasons for its decision; and

- (b) the aggregate period of detention in a youth residential centre which may be required in respect of all of the offences must not exceed 2 years; and
- (c) if the Court imposes a sentence of detention in a youth residential centre on a child who has not completed another sentence of detention in a youth residential centre, the Court may direct that the sentence being imposed be served in part concurrently with the other sentence or wholly cumulatively on it.

(3) If—

- (a) a sentence of detention in a youth residential centre is imposed on a child already under sentence of detention in a youth residential centre; and
- (b) the subsequent sentence is cumulative on any uncompleted prior sentence; and
- (c) the aggregate of the periods of the unexpired portion of the prior sentence and the subsequent sentence exceeds 2 years—

the subsequent sentence is to be taken to be a sentence that the child be further detained in a youth residential centre after the expiration of the period of the prior sentence for the period determined by deducting from 2 years the period of the unexpired portion of the prior sentence at the date of the passing of the subsequent sentence.

(4) The Court may make recommendations in writing as to the management or treatment of, or any other matter concerning, a child sentenced to detention in a youth residential centre.

(5) Section 25 (7) to (12) of the *Penalties and Sentences Act 1985* apply, with any necessary modifications, to sentences of detention in a youth residential centre as if—

- (a) a reference to a youth training centre were a reference to a youth residential centre; and
- (b) a reference to imprisonment included a reference to detention in a youth training centre; and
- (c) a reference to prison included a reference to a youth training centre; and
- (d) a reference to a person convicted or released or made the subject of a community-based order were a reference to a child found guilty of an offence in a proceeding in the Criminal Division of the Children's Court.

#### **Subdivision 10—Youth Training Centre Orders**

#### **Court may make youth training centre order**

**188.** (1) If—

- (a) the Court finds a child guilty of an offence, whether indictable or summary; and



- (b) on the day of sentencing, the child is aged 15 years or more but under 18 years; and
- (c) the Court is satisfied that no other sentence is appropriate; and
- (d) the offence is one punishable by imprisonment (other than for default in payment of a fine)—

the Court may convict the child and order that the child be detained in a youth training centre.

(2) If the Court makes an order under sub-section (1), it must give reasons for making the order.

(3) The Court must not make an order under sub-section (1) if the child is not present before the Court.

#### **Youth training centre orders**

**189.** (1) Subject to this section, the provisions of Part 4 of the *Penalties and Sentences Act 1985* apply to an order made by the Criminal Division detaining a child in a youth training centre as if a reference to the Magistrates' Court were a reference to the Children's Court.

(2) If a child is ordered to be detained in a youth training centre under section 188, the period of detention in respect of an offence must not exceed the maximum term of imprisonment for the offence if committed by an adult and in any event must not exceed 2 years.

(3) If a child is convicted on the same day, or in the same proceeding, of more than one offence—

(a) any period of detention in a youth training centre shall be concurrent with any period of detention in respect of any other of the offences, unless the Court, at the time of sentencing, states that the sentences are cumulative and gives reasons for its decision; and

(b) the aggregate term of detention at a youth training centre which may be required in respect of all of the offences must not exceed 3 years.

(4) The Court may make recommendations in writing as to the management or treatment of, or any other matter concerning, a child sentenced to detention in a youth training centre.

#### **Subdivision 11—Deferral of Sentencing**

##### **Deferral of sentencing**

**190.** (1) If—

(a) the Court is of the opinion that sentencing should, in the interests of the child, be deferred; and

(b) the child agrees to a deferral of sentencing—

the Court may defer sentencing the child for a period not exceeding 4 months.

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- (2) If the Court defers sentencing a child, it must—
  - (a) adjourn the case to a fixed date for sentence and release the child unconditionally or adjourn the case to a fixed date for sentence and remand the child on bail; and
  - (b) order the preparation of a pre-sentence, or a further pre-sentence, report.
- (3) On the adjourned hearing date, the Court must, in determining the appropriate sentence for a child, have regard to—
  - (a) the child's behaviour during the period of deferral; and
  - (b) the pre-sentence report ordered under sub-section (2) (b); and
  - (c) any other relevant matter.
- (4) If a child is found guilty of an offence during a period of deferral under this section, the Court may—
  - (a) re-list the adjourned case at short notice; and
  - (b) on the adjourned hearing make any order which the Court could have made if it had not deferred sentence.
- (5) If a child does not appear before the Court on the date fixed for sentence, the Court may order that a warrant to arrest the child be issued.

### **Subdivision 12—Restitution and Compensation**

#### **Restitution and compensation**

**191.** The provisions of Part 10 (except section 91) of the *Penalties and Sentences Act 1985* apply to a proceeding in the Criminal Division with any necessary modifications and as if—

- (a) in section 92 (1) for paragraphs (a), (b) and (c) there were substituted "is a child found guilty of an offence in a proceeding in the Criminal Division of the Children's Court"; and
- (b) a reference to a person convicted or released or made the subject of a community-based order were a reference to a child found guilty of an offence in a proceeding in the Criminal Division of the Children's Court.

#### **Financial circumstances of child to be considered in determining compensation**

**192.** If the Court determines to order a child to pay compensation for loss or destruction of or damage to property suffered through or by means of the offence of the child, the Court must take into consideration, among other things, the financial circumstances of the child, when determining the amount of compensation.

### Subdivision 13—General

#### Provisions applicable to warrants

**193.** The provisions of sections 57 to 65 and 73 to 78 of the *Magistrates' Court Act* 1989 apply, with any necessary modifications, to warrants issued in respect of sentencing orders alleged to have been breached as if a reference to bringing a person before the Magistrates' Court as soon as practicable were a reference to bringing a child before the Court as soon as practicable but not later than the next working day after the child is arrested and in the meantime placing the child as provided by this Act.

#### Bail

**194.** (1) If—

- (a) a child has been arrested in accordance with a warrant issued in respect of an alleged breach of a sentencing order; and
- (b) it is not possible for the Court to hear immediately an application for breach of the sentencing order—

the Court or a bail justice may grant bail and, subject to section 129 (6), the *Bail Act* 1977 applies, with any necessary modifications, as if a reference to a person accused of an offence or an accused person were a reference to a child.

(2) If a child is refused bail, the child must be remanded in custody for a period not exceeding 21 days.

#### Variation or revocation of order

**195.** (1) Subject to sub-sections (2), (3) and (4), the Director-General or a child in respect of whom a probation order or a youth supervision order is in force may apply to the Court for a variation or the revocation of the order.

(2) An application under sub-section (1) may be made where—

- (a) the circumstances of the child—
  - (i) have changed since the making of the order; or
  - (ii) were wrongly stated or were not accurately presented to the Court or the Director-General before sentence; or
- (b) the child is in custody or is otherwise unable to comply with the order; or
- (c) the child is no longer willing to comply with the order.

(3) If the Director-General is the applicant under sub-section (1), the Director-General must, as soon as practicable after the making of the application, send by registered post to, or serve personally on, the child a notice of the date set by the Court for the hearing of the application.

(4) If the child is the applicant under sub-section (1), the principal registrar must, as soon as practicable after the making of the application, send by registered post to, or cause to be served personally on, the Director-General a notice of the date set by the Court for the hearing of the application.

(5) In dealing with an application under sub-section (1), the Court must take into account—

- (a) a report on the child prepared by the Director-General; and
- (b) the fact of the making of the probation order or youth supervision order (as the case requires); and
- (c) the extent to and the manner in which the child has complied with the order—

and, subject to sub-section (6), may make—

- (d) an order varying the order, but not extending the period of the order, or revoking the order; or
- (e) an order directing that the order continue in force; or
- (f) any order in respect of the child which the Court could originally have made if it had not made the order.

(6) If a child in respect of whom an application is made under sub-section (1) fails to appear before the Court at the time fixed for the hearing of the application, a warrant to arrest the child may be issued by the Court.

(7) Division 3 of Part 4 of the *Magistrates' Court Act 1989* applies, with any necessary modifications, to warrants under sub-section (6), and in particular with the modification that a reference to the bringing of a person before the Magistrates' Court is to be construed as a reference to bringing the child as soon as practicable before the Children's Court.

(8) If it is not possible for the Court to deal immediately with an application under sub-section (1) in respect of which the child has been arrested under sub-section (6), for the purposes of granting bail the provisions of this Act and the *Bail Act 1977* apply, with any necessary modifications, and in particular with the modification that a reference to a person accused of an offence or an accused person is to be construed as a reference to the child.

(9) A child in respect of whom an order is made by the Court under sub-section (5) (d), (e) or (f) may appeal from the order.

### **Suspension of order**

196. (1) If—

- (a) a child in respect of whom a youth supervision order is in force is ill; or
- (b) there are other exceptional circumstances—

the Director-General may suspend the operation of the order or any of the conditions of the order.

(2) Any period of suspension under sub-section (1) is to be added to the period of the youth supervision order for the purpose of calculating the time of its expiry.

### **Division 9—Appeals to County Court and Supreme Court**

#### **Appeal to County Court**

197. (1) A child may appeal to the County Court against any sentencing order made against that child by the Children's Court in a proceeding in the Criminal Division.

(2) If a child appeals under this Act to the Supreme Court on a question of law, that child is deemed to have abandoned finally and conclusively any right under this or any other Act to appeal to the County Court.

(3) The Director of Public Prosecutions may appeal to the County Court against any sentencing order made by the Children's Court in a proceeding in the Criminal Division if satisfied that an appeal should be brought in the public interest.

(4) The Director of Public Prosecutions must not bring a further appeal against a sentencing order made by the County Court.

(5) Subdivision 1 of Division 4 of Part 4 (except sections 83, 84, 87 and 90) of, and Schedule 6 to, the *Magistrates' Court Act 1989* apply, with any necessary modifications, to appeals under this section as if—

- (a) a reference to the Magistrates' Court were a reference to the Children's Court; and
- (b) a reference to section 83 or 84 were a reference to this section; and
- (c) a reference to a criminal proceeding were a reference to a proceeding in the Criminal Division; and
- (d) a reference to imprisonment were a reference to detention in a youth residential centre or a youth training centre.

(6) If an appellant appeals against an order made under section 140, 142 or 144, the County Court may—

- (a) dismiss the charge against the appellant; or
- (b) make an order in the same terms as the order of the Children's Court—

but must not make any other sentencing order.

(7) If an appeal is made from a sentencing order of the Court which orders a child to be detained in—

- (a) a youth residential centre; or
- (b) a youth training centre—

in respect of two or more offences for an aggregate period which is specified, the County Court may, if it finds the child guilty of the offences or any two or more of them, order—

- (c) that the child be detained in a youth residential centre or a youth training centre (as the case may be) for a period not exceeding the aggregate period; or
  - (d) that the child be detained in a youth residential centre or a youth training centre (as the case may be) for a separate period of detention in respect of each offence, but so that the separate periods do not in the aggregate exceed the aggregate period ordered to be served by the Court.
- (8) Sections 20, 22, 23 and 139 apply, with any necessary modifications, to appeals under this section as if—
- (a) a reference to the Court or the Criminal Division were a reference to the County Court; and
  - (b) a reference to a proceeding to which section 21 (2) applies were a reference to an appeal under this section; and
  - (c) the reference in section 23 (3) to an order to which that sub-section applies were a reference to a final order made on the hearing of the appeal; and
  - (d) a reference to the appropriate registrar were a reference to the registrar of the County Court.

**County Court may reserve question of law for Full Court**

**198.** Sections 446 to 450A of the *Crimes Act 1958* apply to an appeal to the County Court from the Children's Court as if—

- (a) a reference to the Magistrates' Court were a reference to the Children's Court; and
- (b) a reference to a criminal proceeding were a reference to a proceeding in the Criminal Division.

**Appeals to Full Court from County Court**

**199.** (1) In this section "detention" includes detention in a youth residential centre or youth training centre, but does not include detention in default of payment of a fine.

(2) If—

- (a) on an appeal under section 197 the County Court orders that the appellant be sentenced to a term of detention; and
- (b) the Children's Court in the proceeding that is the subject of the appeal had not ordered that the appellant be detained—

the child sentenced to be detained may, with the leave of the Supreme Court, appeal to the Full Court of the Supreme Court against the sentence.

(3) Part VI of the *Crimes Act 1958* with respect to admission to bail pending determination of an appeal applies to a child sentenced as described in sub-section (2) and who seeks leave to appeal under that sub-section as if the child were convicted on indictment.

(4) If a child intends to apply under this section for leave to appeal to the Full Court of the Supreme Court, the child must serve notice in writing of his or her intention to do so on—

- (a) the Registrar of Criminal Appeals; and
- (b) the informant; and
- (c) the Director of Public Prosecutions—

within 30 days after the sentence is imposed by the County Court.

(5) On an appeal under this section the Full Court of the Supreme Court must—

- (a) if it thinks that a different order should have been made—
  - (i) set aside the order of the County Court; and
  - (ii) make any other order (whether more or less severe) which it thinks ought to have been made; or
- (b) in any other case, dismiss the appeal.

#### **Appeal to Supreme Court on a question of law**

**200.** (1) A party to a proceeding (other than a committal proceeding) before the Criminal Division may appeal to the Supreme Court, on a question of law, from a final order of the Court in that proceeding.

(2) If an informant who is a member of the police force wishes to appeal under sub-section (1), the appeal must be brought by the Director of Public Prosecutions on behalf of the informant.

(3) An appeal under sub-section (1)—

- (a) must be instituted not later than 30 days after the day on which the order complained of was made; and
- (b) does not operate as a stay of any order made by the Court unless the Supreme Court so orders.

(4) Subject to sub-section (3), an appeal under sub-section (1) must be brought in accordance with the rules of the Supreme Court.

(5) An appeal instituted after the end of the period referred to in sub-section (3) (a) is deemed to be an application for leave to appeal under sub-section (1).

(6) The Supreme Court may grant leave under sub-section (5) and the appellant may proceed with the appeal if the Supreme Court—

- (a) is of the opinion that the failure to institute the appeal within the period referred to in sub-section (3) (a) was due to exceptional circumstances; and
- (b) is satisfied that the case of any other party to the appeal would not be materially prejudiced because of the delay.

(7) After hearing and determining the appeal, the Supreme Court may make such order as it thinks appropriate, including an order remitting the case for re-hearing to the Court with or without any direction in law.