



Prevention of Cruelty to, and Protection of, Children Act 1889

1889 CHAPTER 44

5 Disposal of child by order of court.

- (1) Where a person having the custody or control of a child, being a boy under the age of fourteen or a girl under the age of sixteen years, has been
 - (a) convicted of committing in respect of such child an offence under section one of this Act, or any offence involving bodily injury to the child and punishable with penal servitude ; or
 - (b) committed for trial for any such offence ; or
 - (c) bound over to keep the peace towards such child,

any person may bring such child before a petty sessional court and the court, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relation of the child, or some other fit person named by the court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of his own motion or on the application of any person from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

- (2) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child. In determining

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on the person to whom the child shall be so committed, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion.

Provided that if the order to commit the child to the charge of some relation or other person be made in respect of any person having been committed for trial for an offence, as specified in subsection (1) (b) of this section, the court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person ; and if he be acquitted of such charge, or if such charge be dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

- (3) One of Her Majesty's Principal Secretaries of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.