

Children Act, 1908.

[8 EDW. 7. CH. 67.]

ARRANGEMENT OF SECTIONS.

A.D. 1908.

PART I.

INFANT LIFE PROTECTION.

Section.

1. Notices to be given by persons receiving infants for reward.
2. Appointment and powers of inspectors, &c.
3. Persons prohibited from receiving children for reward.
4. Local authority to fix number of infants which may be retained.
5. Removal of infant improperly kept.
6. Notice to coroner.
7. Avoidance of policies of life insurance of infants kept for reward.
8. Provisions as to notices.
9. Prosecution of offences and application of fines.
10. Local authorities and expenses.
11. Exemptions.

PART II.

PREVENTION OF CRUELTY TO CHILDREN AND YOUNG PERSONS.

Cruelty to Children and Young Persons.

12. Punishment for cruelty to children and young persons.
13. Suffocation of infants.

Other Offences in relation to Children and Young Persons.

14. Begging.
15. Exposing children to risk of burning.
16. Allowing children or young persons to be in brothels.
17. Punishment of person causing, encouraging, or favouring seduction or prostitution of young girl.
18. Power to bind over person having custody of young girl to exercise proper care.

A.D. 1908. *Arrest of Offender and Provision for Safety of Children*

Section.

19. Power to take offenders into custody.
20. Detention of child or young person in place of safety.
21. Disposal of child or young person by order of court.
22. Maintenance of child or young person when committed care of any person under order of court.
23. Religious persuasion of person to whom child or young person is committed.
24. Warrant to search for or remove a child or young person.
25. Visitation of homes.

Power as to Habitual Drunkards.

26. Power as to habitual drunkards.

Evidence and Procedure.

27. Evidence of accused person.
28. Extension of power to take deposition of child or young person.
29. Admission of deposition of child or young person evidence.
30. Evidence of child of tender years.
31. Power to proceed with case in absence of child or young person.
32. Mode of charging offences and limitation of time.
33. Appeal from summary conviction to quarter sessions.
34. Institution of proceedings by guardians, &c.

Supplemental.

35. Application of Vexatious Indictments Act.
36. Extension of section ten of 42 & 43 Vict. c. 54.
37. Right of parent, &c. to administer punishment.
38. Interpretation of Part II.

PART III.

JUVENILE SMOKING.

39. Penalty on selling tobacco to children and young person.
40. Forfeiture of tobacco.
41. Provisions as to automatic machines for the sale of tobacco.
42. Exemption for persons employed in trade, &c.
43. Application of Part III.

PART IV.

REFORMATORY AND INDUSTRIAL SCHOOLS.

Interpretation.

44. Definitions.

Certification and Inspection of Schools.

A.D. 1908.

Section.

- 45. Certification of school.
- 46. Inspection of certified schools.
- 47. Power of Secretary of State to withdraw certificate.
- 48. Resignation of certificate by managers.
- 49. Effect of withdrawal or resignation of certificate.
- 50. Disposal of inmates on withdrawal or resignation of certificate.
- 51. Auxiliary homes.

Duties and Powers of Managers.

- 52. Liabilities of managers.
- 53. Boarding out of children.
- 54. Power to make rules.
- 55. Approval of alterations, &c. of buildings.
- 56. Schemes for superannuation of officers.

Mode of sending Offenders and Children to Reformatory and Industrial Schools and their Treatment therein.

- 57. Commitment of offenders between twelve and sixteen years of age to reformatory schools.
- 58. Children liable to be sent to industrial schools.
- 59. Power to commit young persons to care of relative or fit person in certain cases.
- 60. Power in such cases to place young persons under supervision of probation officer.
- 61. Power to defer operation of order.
- 62. Choice of school.
- 63. Temporary detention until sent to certified school.
- 64. Conveyance to school.
- 65. Period of detention.
- 66. Provision as to religious persuasion.
- 67. Placing out on licence.
- 68. Supervision of youthful offenders and children after the expiration of period of detention.
- 69. Discharge and transfer.
- 70. Power to apprentice or dispose of child.

Offences in relation to Certified Schools.

- 71. Refusal to conform to rules.
- 72. Escaping from school.

Expenses of Certified Schools.

- 73. Contributions from Treasury.
- 74. Duties and powers of local authorities with respect to the maintenance, &c. of inmates of certified schools.
- 75. Contributions by parents.
- 76. Expenses of conveyance and clothing.

A.D. 1908.

Day Industrial Schools.

Section.

- 77. Establishment, &c. of day industrial schools.
- 78. Power to send children to day industrial schools.
- 79. Reception of child under attendance order or without order.
- 80. Contributions by the Treasury.
- 81. Powers of local education authorities.
- 82. Contributions by parents.
- 83. Application to day industrial schools of provisions relating to industrial schools.

Supplemental Provisions.

- 84. Power to send offenders conditionally pardoned to reformatory schools.
- 85. Powers of school officers.
- 86. Advertisement of grant, &c. of certificate.
- 87. Orders and notices.
- 88. Rules respecting evidence of documents.
- 89. Liability to removal.
- 90. Application to schools under local Acts.
- 91. Tenure of office by certain officers and servants of the London County Council.
- 92. Application of Part IV.
- 93. Provisions as to the Isle of Man and Channel Islands.

PART V.

JUVENILE OFFENDERS.

- 94. Bail of children and young persons arrested.
- 95. Custody of children and young persons not discharged on bail after arrest.
- 96. Association with adults during detention in police stations.
- 97. Remand or committal to custody in place of detention.
- 98. Attendance at court of parent of child or young person charged with an offence, &c.
- 99. Power to order parent to pay fine, &c. instead of child or young person.
- 100. Removal of disqualifications attaching to felony.
- 101. Limitation of costs.
- 102. Restrictions on punishment of children and young persons.
- 103. Abolition of death sentence in case of children and young persons.
- 104. Detention in the case of certain crimes committed by children or young persons.
- 105. Provisions as to discharge of children and young persons detained in accordance with directions of Secretary of State.

Section.

106. Substitution of custody in place of detention for imprisonment. A.D. 1908.
107. Methods of dealing with children and young persons charged with offences.
108. Provision of places of detention.
109. Provisions as to custody of children and young persons in places of detention.
110. Expenses of maintenance of child or young person.
111. Juvenile courts.
112. Temporary saving of power to imprison children and young persons.
113. Saving for pending proceedings.

PART VI.

MISCELLANEOUS AND GENERAL.

Miscellaneous.

114. Power to clear court whilst child or young person is giving evidence in certain cases.
115. Prohibition on children being present in court during the trial of other persons.
116. Prohibition of purchase of old metals from persons under sixteen.
117. Prohibition against taking pawns from persons under fourteen.
118. Penalty on vagrants preventing children receiving education.
119. Penalty on giving intoxicating liquor to children.
120. Exclusion of children from bars of licensed premises.
121. Safety of children at entertainments.
122. Cleansing of verminous children.

General.

123. Presumption and determination of age.
124. Evidence of wages of defendant.
125. Provision as to contribution orders.
126. Reception and maintenance of children and young persons in workhouses.
127. Variation of trusts for maintenance of child or young person.
128. Amendment of 42 & 43 Vict. c. 49.
129. Application of Summary Jurisdiction Acts.
130. Variation of Orders in Council.
131. General definitions.
132. Application to Scotland.
133. Application to Ireland.
134. Short title, commencement, and repeal.
- SCHEDULES.



CHAPTER 67.

An Act to consolidate and amend the Law relating to the Protection of Children and Young Persons, Reformatory and Industrial Schools, and Juvenile Offenders, and otherwise to amend the Law with respect to Children and Young Persons. A.D. 1908.
—
[21st December 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

INFANT LIFE PROTECTION.

1.—(1) Where a person undertakes for reward the nursing and maintenance of one or more infants under the age of seven years apart from their parents or having no parents, he shall, within forty-eight hours from the reception of any such infant, give notice in writing thereof to the local authority :

Notices to be given by persons receiving infants for reward.

Provided that this section shall not apply, as respects any infant, where the period for which it is received is forty-eight hours or less.

(2) Where a person undertakes for reward the nursing and maintenance of an infant already in his care without reward, the entering into the undertaking shall, for the purposes of this Part of this Act, be treated as a reception of the infant.

(3) The notice shall state the name, sex, and date and place of birth of the infant, the name of the person receiving the infant, and the dwelling within which the infant is being kept, and the name and address of the person from whom the infant has been received.

(4) If a person who has undertaken the nursing and maintenance of any such infant changes his residence, he shall within forty-eight hours thereof give to the local authority notice in writing of the change, and, where the residence to which he moves is situate in the district of another local authority, he shall give to that local authority the like notice as respects

A.D. 1908. — each infant in his care as he is by this section required to give on the first reception of the infant.

(5) If any such infant dies or is removed from the care of the person who has undertaken its nursing and maintenance, that person shall, within forty-eight hours thereof, give to the local authority notice in writing of the death or removal, and in the latter case also of the name and address of the person to whose care the infant has been transferred.

(6) Where at the commencement of this Act any infant is under the care of any person who has, before the commencement of this Act, undertaken its nursing and maintenance under such circumstances that if its nursing and maintenance had been undertaken after the commencement of this Act he would have been required to give notice to the local authority under this section, he shall, within one month after the commencement of this Act, give to the local authority the like notice as if the nursing and maintenance of the infant had been undertaken after the commencement of this Act:

Provided that nothing in this subsection—

(a) shall apply to any person who on the reception of an infant gave such notice as was required by the Infant Life Protection Act, 1897; or

(b) shall exempt any person who ought to have given notice under that Act from any liability which he may have incurred thereunder.

60 & 61 Vict.
c. 57.

Subject as aforesaid, this Part of this Act shall apply to an infant whose nursing and maintenance has been undertaken for reward before the passing of this Act in like manner as it applies to an infant whose nursing and maintenance has been so undertaken after the commencement of this Act, and as if any notice given under the Infant Life Protection Act, 1897, had been a notice given under this Part of this Act.

(7) If any person required to give a notice under this section fails to give the notice within the time specified for giving the notice, he shall be guilty of an offence under this Part of this Act, and, if the infant in respect of which notice ought to have been given was an infant the consideration for whose nursing and maintenance consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under this Part of this Act, be liable to forfeit that sum or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the infant in such manner as the court may direct, and where any such sum is ordered to be forfeited the order may be enforced as if it were an order of the court made on complaint.

Appointment
and powers of
inspectors, &c.

2.—(1) It shall be the duty of every local authority to provide for the execution of this Part of this Act within their district, and for that purpose they shall from time to time make

inquiry whether there are any persons residing therein who undertake the nursing and maintenance of infants in respect of whom notice is required to be given under the foregoing section. A.D. 1908.

(2) If in the district of any local authority any persons are found to undertake the nursing and maintenance of such infants as aforesaid, the local authority shall appoint one or more persons of either sex to be infant protection visitors, whose duty it shall be from time to time to visit any infants referred to in any notice given under this Part of this Act, and the premises in which they are kept, in order to satisfy themselves as to the proper nursing and maintenance of the infants or to give any necessary advice or directions as to their nursing and maintenance :

Provided that the local authority may, either in addition to or in lieu of appointing infant protection visitors, authorise in writing one or more suitable persons of either sex to exercise the powers of infant protection visitors under this Part of this Act, subject to such terms and conditions as may be stated in the authorisation, and, where any infants have been placed out to nurse in the district of the authority by any philanthropic society, may, if satisfied that the interests of the infants are properly safeguarded, so authorise the society to exercise those powers as respects those infants, subject, however, to the obligation to furnish periodical reports to the local authority.

(3) A local authority may combine with any other local authority for the purpose of executing the provisions of this Part of this Act, and for defraying the expenses thereof.

(4) A local authority may exempt from being visited, either unconditionally or subject to such conditions as they think fit, any particular premises within their district which appear to them to be so conducted that it is unnecessary that they should be visited.

(5) If any person undertaking the nursing and maintenance of any such infants refuses to allow any such visitor or other person to visit or examine the infants or the premises in which they are kept, he shall be guilty of an offence under this Part of this Act.

(6) If any such visitor or other person is refused admittance to any premises in contravention of this Part of this Act, or has reason to believe that any infants under the age of seven years are being kept in any house or premises in contravention of this Part of this Act, he may apply to a justice, who, on being satisfied, on information in writing on oath, that there is reasonable ground for believing that an offence under this Part of this Act has been committed, may grant a warrant authorising the visitor or other person to enter the premises for the purpose of ascertaining whether any offence under this Part of this Act has been committed, and, if the occupier of the premises or any other person obstructs or causes or procures to be obstructed any

A.D. 1908. — visitor or other person acting in pursuance of such a warrant, he shall be guilty of an offence under this Part of this Act.

Persons prohibited from receiving children for reward.

3. An infant, in respect of which notice is required to be given under this Part of this Act, shall not, without the written sanction of the local authority, be kept—

(a) by any person from whose care any infant has been removed under this Part of this Act or the Infant Life Protection Act, 1897 ; or

(b) in any premises from which any infant has been removed under this Part of this Act by reason of the premises being dangerous or insanitary, or has been removed under the Infant Life Protection Act, 1897, by reason of the premises being so unfit as to endanger its health ; or

4 Edw. 7. c. 15.

(c) by any person who has been convicted of any offence under Part II. of this Act or under the Prevention of Cruelty to Children Act, 1904 ;

and any person keeping or causing to be kept an infant contrary to this section shall be guilty of an offence under this Part of this Act.

Local authority to fix number of infants which may be retained.

4. The local authority may fix the number of infants under the age of seven years which may be kept in any dwelling in respect of which a notice has been received under this Part of this Act, and any person keeping any infant in excess of the number so fixed shall be guilty of an offence under this Part of this Act.

Removal of infant improperly kept.

5.—(1) If any infant, in respect of which notice is required to be given under this Part of this Act is kept,—

(a) in any premises which are overcrowded, dangerous or insanitary ; or

(b) by any person who, by reason of negligence, ignorance, inebriety, immorality, criminal conduct, or other similar cause, is unfit to have care of it ; or

(c) by any person or in any premises in contravention of any of the provisions of this Part of this Act,

any visitor or other person appointed or authorised to execute the provisions of this Part of this Act may apply either to a justice or to the local authority for an order directing him to remove the infant to a place of safety until it can be restored to its relatives or be otherwise lawfully disposed of.

(2) Any person refusing to comply with such an order upon its being produced and read over to him, or obstructing or causing or procuring to be obstructed the visitor or such other person in the execution thereof, shall be guilty of an offence under this Part of this Act, and

(a) if the order was made by a justice, the order may be enforced by the visitor or by any constable ; and

(b) if the order was made by the local authority the visitor or other person may apply to any justice for an order directing the removal of the infant, which order may be enforced by the visitor or by any constable.

6.—(1) In the case of the death of any infant respecting which notice is required to be given under this Part of this Act, the person who had the care of the infant shall, within twenty-four hours of the death, give notice in writing thereof to the coroner of the district within which the body of the infant lies, and the coroner shall hold an inquest thereon, unless a certificate under the hand of a duly qualified medical practitioner is produced to him, certifying that he has personally attended the infant during its last illness, and specifying the cause of death, and the coroner is satisfied that there is no ground for holding an inquest.

A.D. 1908.

Notice to coroner.

(2) If any person required to give a notice under this section fails to give the notice within the time specified for giving the notice, he shall be guilty of an offence under this Part of this Act.

7. A person by whom an infant in respect of which notice is required to be given under this Part of this Act is kept shall be deemed to have no interest in the life of the child for the purposes of the Life Assurance Act, 1774, and, if any such person directly or indirectly insures or attempts to insure the life of such an infant, he shall be guilty of an offence under this Part of this Act, and, if a company, within the meaning of the Life Assurance Companies Acts, 1870 to 1872, or any other company, society, or person, knowingly issues, or procures or attempts to procure to be issued, to or for the benefit of such a person as aforesaid or to any person on his behalf, a policy on the life of such an infant, the company, society, or person shall be guilty of an offence under this Part of this Act.

Avoidance of policies of life insurance of infants kept for reward.
14 Geo. 3. c. 48.

8.—(1) If any person required to give a notice under this Part of this Act knowingly or wilfully makes, or causes or procures any other person to make, any false or misleading statement in any such notice, he shall be guilty of an offence under this Part of this Act.

Provisions as to notices.

(2) Every notice by this Part of this Act required to be given may be sent by post in a registered letter addressed to the clerk of the local authority or to such other person as the local authority may appoint, or in the case of a notice to a coroner to the coroner, or may be delivered at the office of the local authority or, in the case of a notice to a coroner, at his office or residence.

9.—(1) Every person guilty of an offence under this Part of this Act shall on summary conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty-five pounds, and the court may order any infant in respect of which the offence was committed to be removed to a place of safety.

Prosecution of offences and application of fines.

(2) Any fines under this Part of this Act shall, notwithstanding any provision in any other Act, be paid to the local authority, and be applied to the purposes to which the fund or

A.D. 1908. rate out of which the expenses of the local authority are to be defrayed is applicable.

Local authorities and expenses.

10.—(1) The local authority for the purposes of this Part of this Act shall,—

(a) as respects the County of London, exclusive of the City be the county council ;

(b) as respects the City of London, be the Common Council ;

(c) elsewhere be the guardians of the poor law union.

(2) All expenses incurred by or on behalf of the local authority in and about the execution of this Part of this Act shall be defrayed—

(a) in the case of the county of London, out of the county fund as general county expenses ;

(b) in the case of the City of London, out of the general rate ;

(c) in the case of a board of guardians, out of the common fund.

Exemptions.

11.—(1) The provisions of this Part of this Act shall not extend to any relative or legal guardian of an infant who undertakes the nursing and maintenance of the infant, or to any person who undertakes the nursing or maintenance of an infant under the provisions of any Act for the relief of the poor or of any order made under any such Act ; or to hospitals, convalescent homes, or institutions established for the protection and care of infants, and conducted in good faith for religious or charitable purposes, or boarding schools at which efficient elementary education is provided.

(2) For the purposes of this section the expression “ relatives ” means grandparents, brothers, sisters, uncles, and aunts, by consanguinity or affinity, and in the case of illegitimate infants the persons who would be so related if the infant were legitimate.

PART II.

PREVENTION OF CRUELTY TO CHILDREN AND YOUNG PERSONS.

Cruelty to Children and Young Persons.

Punishment for cruelty to children and young persons.

12.—(1) If any person over the age of sixteen years, who has the custody, charge, or care of any child or young person wilfully assaults, ill-treats, neglects, abandons, or exposes such child or young person, or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body and any mental derangement), that person shall be guilty of a misdemeanor, and shall be liable—

(a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment

ment, with or without hard labour, for any term not exceeding two years; and

- (b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months;

and for the purposes of this section a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid, or lodging for the child or young person, or if, being unable otherwise to provide such food, clothing, medical aid, or lodging, he fails to take steps to procure the same to be provided under the Acts relating to the relief of the poor.

(2) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding that actual suffering or injury to health, or the likelihood of such suffering or injury to health, was obviated by the action of another person.

(3) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding the death of the child or young person in respect of whom the offence is committed.

(4) Upon the trial of any person over the age of sixteen indicted for the manslaughter of a child or young person of whom he had the custody charge or care, it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under this section in respect of such child or young person, to find the accused guilty of such offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruable or payable in the event of the death of the child or young person, and had knowledge that such sum of money was accruing or becoming payable, then—

- (a) in the case of a conviction on indictment, the court may in its discretion either increase the amount of the fine under this section so that the fine does not exceed two hundred pounds; or, in lieu of awarding any other penalty under this section, sentence the person to penal servitude for any term not exceeding five years; and
- (b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) A person shall be deemed to be directly or indirectly interested in a sum of money under this section, if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

A.D. 1908. — (7) A copy of a policy of insurance, certified by an officer agent of the insurance company granting the policy, to be a true copy, shall in any proceedings under this section be prima facie evidence that the child or young person therein stated to be insured has been in fact so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(8) An offence under this section is in this Part of this Act referred to as an offence of cruelty.

Suffocation of infants.

13. Where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air-passages of the infant) whilst the infant was in bed with some other person over sixteen years of age, and that that other person was at the time of going to bed under the influence of drink, that other person shall be deemed to have neglected that infant in a manner likely to cause injury to its health within the meaning of this Part of this Act.

Other Offences in relation to Children and Young Persons.

Begging.

14.—(1) If any person causes or procures any child or young person, or, having the custody charge or care of a child or young person, allows that child or young person, to be in any street, premises, or place for the purpose of begging or receiving alms or of inducing the giving of alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise, that person shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such fine, or in addition thereto imprisonment, with or without hard labour, for any term not exceeding three months.

(2) If a person having the custody charge or care of a child or young person is charged with an offence under this section and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

Exposing children to risk of burning.

15. If any person over the age of sixteen years who has the custody charge or care of any child under the age of seven years allows that child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of the child being burnt or scalded, without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds:

Provided that this section shall not, nor shall any proceedings taken thereunder, affect any liability of any such person to be proceeded against by indictment for any indictable offence.

16.—(1) If any person having the custody, charge, or care of a child or young person between the ages of four and sixteen allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanor and shall be liable on conviction on indictment or on summary conviction to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

A.D. 1908.

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Allowing children or young persons to be in brothels.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that the accused is guilty of an offence under this section, to find the accused guilty of such offence.

48 & 49 Vict.
c. 69.

17.—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction or prostitution of that girl, he shall be guilty of a misdemeanor and shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

Punishment of person causing, encouraging, or favouring seduction or prostitution of young girl.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution (as the case may be) of a girl who has been seduced or become a prostitute if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

18.—(1) Where it is shown to the satisfaction of a court of summary jurisdiction, on the complaint of any person, that a girl under the age of sixteen years is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution, or living a life of prostitution, the court may adjudge her parent or guardian to enter into a recognizance to exercise due care and supervision in respect of the girl.

Power to bind over person having custody of young girl to exercise proper care.

(2) The provisions of the Summary Jurisdiction Act, 1879, with respect to recognizances to be of good behaviour (including the provisions as to the enforcement thereof) shall apply to recognizances under this section.

42 & 43 Vict.
c. 49.

Arrest of Offender and Provision for Safety of Children.

19.—(1) Any constable may take into custody, without warrant, any person—

Power to take offenders into custody.

- (a) who within view of the constable commits an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, where the name and residence of such person are unknown to the constable and cannot be ascertained by the constable; or
- (b) who has committed, or who the constable has reason to believe has committed, an offence of cruelty or any

A.D. 1908.

of the offences mentioned in the First Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2) Where a constable arrests any person without warrant in pursuance of this section, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which such person is brought, shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in the judgment of the officer of police be required to secure the attendance of such person upon the hearing of the charge.

Detention of
child or young
person in
place of safety.

20.—(1) A constable, or any person authorised by a justice, may take to a place of safety any child or young person in respect of whom an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, has been, or there is reason to believe has been, committed.

(2) A child or young person so taken to a place of safety, and also any child or young person who seeks refuge in a place of safety, may there be detained until he can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following subsection, or may cause the child or young person to be dealt with as circumstances may admit and require, until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction or discharge of such person.

(3) Where it appears to a court of summary jurisdiction or any justice that an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, has been committed in respect of any child or young person who is brought before the court or justice, and that it is expedient in the interests of the child or young person that an order should be made under this subsection, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within that time, until the charge has been determined by the conviction or discharge of that person, and in case of conviction for such further time not exceeding twenty-one days as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

21.—(1) Where a person having the custody charge or care of a child or young person has been— A.D. 1908.

- (a) convicted of committing in respect of such child or young person an offence under this Part of this Act or any of the offences mentioned in the First Schedule to this Act; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards such child or young person,

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Disposal of
child or young
person by
order of court.

by any court, that court, either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child or young person, order that the child or young person be taken out of the custody, charge, or care of the person so convicted, committed for trial, or bound over, and be committed to the care of a relative of the child or young person, or some other fit person, named by the court (such relative or other person being willing to undertake such care), until he attains the age of sixteen years, or for any shorter period, and that court or any court of like jurisdiction may of its own motion, or on the application of any person, from time to time by order renew, vary, and revoke any such order.

(2) If the child or young person has a parent or legal guardian no order shall be made under this section unless the parent or legal guardian has been convicted of or committed for trial for the offence, or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence, or has been bound over to keep the peace towards the child or young person, or cannot be found.

(3) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child or young person; and the consent of any person to undertake the care of a child or young person in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(4) Where an order is made under this section in respect of a person who has been committed for trial, then, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to anything that may have been lawfully done under it.

(5) The Secretary of State may at any time in his discretion discharge a child or young person from the care of any person to whose care he is committed in pursuance of this section, either absolutely or on such conditions as the Secretary of State approves, and may, if he thinks fit, make rules in relation to children or young persons so committed to the care of any

A.D. 1908. person, and to the duties of such persons with respect to such children or young persons.

(6) The Secretary of State, in any case where it appears him to be for the benefit of a child or young person who has been committed to the care of any person in pursuance of this section, may empower such person to procure the emigration of the child or young person, but, except with such authority, no person to whose care a child or young person is so committed shall procure his emigration.

(7) Nothing in this section shall be construed as preventing the court, instead of making an order as respects a child under this section, from ordering the child to be sent to an industrial school in any case in which the court is authorised to do so under Part IV. of this Act.

Maintenance of child or young person when committed to care of any person under order of court.

22.—(1) Any person to whose care a child or young person is committed under this Part of this Act shall, whilst the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance, and the child or young person shall continue in the care of such person, notwithstanding that he is claimed by his parent or any other person, and if any person—

- (a) knowingly assists or induces, directly or indirectly, a child or young person to escape from the person whose care he is so committed; or
- (b) knowingly harbours, conceals, or prevents from returning to such person, a child or young person who has escaped, or knowingly assists in so doing;

he shall on summary conviction be liable to a fine not exceeding twenty pounds or to be imprisoned, with or without hard labor for any term not exceeding two months.

(2) Any court having power so to commit a child or young person shall have power to make the like orders on the parent or other person liable to maintain the child or young person to contribute to his maintenance during such period as aforesaid and such orders shall be enforceable in like manner as if the child or young person were ordered to be sent to a certified school under Part IV. of this Act, but the limit on the amount of the weekly sum which the parent or such other person may be required under this section to contribute shall be one pound a week instead of the limit fixed under Part IV.

(3) Any such order may be made on the complaint or application of the person to whose care the child or young person is committed, for the time being committed, and either at the time when the order for the committal of the child or young person to his care is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person as the court may name, and be applied for the maintenance of the child or young person.

(4) Where an order under this Part of this Act to commit a child or young person to the care of some relative or other

person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to make an order under this section on the parent or other person liable to maintain the child or young person prior to the trial of the person so committed. A.D. 1908.

(5) Any court making an order under this section for contribution by a parent or such other person may in any case where there is any pension or income payable to such parent or other person and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, further order that such part as the court may see fit of the pension or income be attached and be paid to the person named by the court. Such further order shall be an authority to the person by whom such pension or other income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to such first-mentioned person.

(6) An order under this section may be made by any court before which a person is charged with an offence under this Part of this Act, and without regard to the place in which the person to whom the payment is ordered to be made may reside.

23.—(1) In determining on the person to whose care the child or young person shall be committed under this Part of this Act, the court shall endeavour to ascertain the religious persuasion to which the child or young person belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

Religious persuasion of person to whom child or young person is committed.

(2) In any case where the child or young person has been placed pursuant to any such order with a person who is not of the same religious persuasion as that to which the child or young person belongs, or who has not given such undertaking as aforesaid, the court which made the order, or any court of like jurisdiction, shall, on the application of any person in that behalf, and on its appearing that a fit person, who is of the same religious persuasion, or who will give such undertaking as aforesaid, is willing to undertake the care of the child or young person, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3) Where a child or young person has been placed with a person who gives such undertaking as aforesaid, and the undertaking is not observed, the child or young person shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs, as if no such undertaking had been given.

24.—(1) If it appears to a justice on information on oath laid by any person who, in the opinion of the justice, is acting

Warrant to search for or remove a child

A.D. 1908. in the interests of a child or young person, that there is reasonable cause to suspect—

or young person.

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or
- (b) that an offence under this Part of this Act, or any offence mentioned in the First Schedule to this Act, has been or is being committed in respect of the child or young person,

the justice may issue a warrant authorising any constable named therein to search for such child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child or young person, to take him to and detain him in a place of safety, until he can be brought before a court of summary jurisdiction, or authorising any constable to remove the child or young person with or without search to a place of safety and detain him there until he can be brought before a court of summary jurisdiction; and the court before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose care he was had been committed for trial for an offence under this Part of this Act.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against such person according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child or young person therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if such person so desire unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

Visitation of homes.

25.—(1) The Secretary of State may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government depart-

ment, to be visited and inspected from time to time by persons appointed by him for the purpose. A.D. 1908.

(2) Any person so appointed shall have power to enter the institution, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow any person so appointed to enter the institution shall, for the purposes of the provisions of this Part of this Act relating to search warrants, be deemed to be a reasonable cause to suspect that an offence under this Part of this Act is being committed in respect of a child or young person in the institution.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Secretary of State shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(4) Where any such institution is for the reception of girls only, the Secretary of State shall, if so desired by the managers of the institution, appoint, where practicable, a woman to visit and inspect the institution.

(5) Any appointment made under this section may at any time be revoked by the Secretary of State.

Power as to Habitual Drunkards.

26. Where it appears to the court by or before which any person is convicted of an offence of cruelty, or of any of the offences mentioned in the First Schedule to this Act, that that person is a parent of the child or young person in respect of whom the offence was committed, or is living with the parent of the child or young person, and is a habitual drunkard within the meaning of the Inebriates Acts, 1879 to 1900, the court, in lieu of sentencing that person to imprisonment, may, if it thinks fit, make an order for his detention in a retreat under the said Acts, the licensee of which is willing to receive him, for any period named in the order, not exceeding two years, and the order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner, as if it were an application duly made by that person and duly attested by a justice under the said Acts; and the court may order an officer of the court or constable to remove that person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that—

- (a) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and
- (b) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being

Power as to
habitual
drunkards.

42 & 43 Vict.
c. 19.
51 & 52 Vict.
c. 19.

A.D. 1908.

made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband ; and

- (c) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat ; and
- (d) nothing in this section shall affect any power of the court to order the person convicted to be detained in a certified inebriate reformatory.

Evidence and Procedure.

Evidence of
accused person.

61 & 62 Vict.
c. 36.

57 & 58 Vict.
c. 41.

Extension of
power to take
deposition of
child or young
person.

27. As respects proceedings against any person for an offence under this Part of this Act, or for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if in the schedule to that Act a reference to this Part of this Act and to the First Schedule to this Act were substituted for the reference to the Prevention of Cruelty to Children Act, 1894.

28.—(1) Where a justice is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person, in respect of whom an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, is alleged to have been committed, would involve serious danger to the life or health of the child or young person, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking the deposition, and of the day when and place where the deposition was taken, and of the names of the persons (if any) present at the taking thereof.

(2) The justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed ; and
- (b) in any other case, to the clerk of the peace of the county or borough in which the deposition has been taken ;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file, and record the deposition.

Admission of
deposition of
child or young
person in evi-
dence.

29. Where, on the trial of any person on indictment for an offence of cruelty, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to the life or health of the child or young person, any deposition of the child or young person taken under

the Indictable Offences Act, 1848, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

A.D. 1908.
11 & 12 Vict.
c. 42.

- (a) if it purports to be signed by the justice by or before whom it purports to be taken; and
- (b) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use it as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

30. Where, in any proceeding against any person for an offence under this Part of this Act, or for any of the offences mentioned in the First Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of that child may be received, though not given upon oath, if, in the opinion of the court, the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and the evidence of the child, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively:

Evidence of
child of tender
years.

11 & 12 Vict.
c. 42.

Provided that—

- (a) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and
- (b) Any child, whose evidence is received as aforesaid and who wilfully gives false evidence under such circumstances that, if the evidence had been given on oath, he would have been guilty of perjury, shall, subject to the provisions of this Act, be liable on summary conviction to be adjudged such punishment as might have been awarded had he been charged with perjury and the case dealt with summarily under section ten of the Summary Jurisdiction Act, 1879.

42 & 43 Vict.
c. 49.

31. Where in any proceedings with relation to an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be

Power to proceed with case in absence of child or young person.

A.D. 1908. proceeded with and determined in the absence of the child or young person.

Mode of charging offences and limitation of time.

32.—(1) Where a person is charged with committing an offence under this Part of this Act, or any of the offences mentioned in the First Schedule to this Act, in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child or young person except upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence under this Part of this Act, or of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When an offence under this Part of this Act, or any offence mentioned in the First Schedule to this Act, charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

Appeal from summary conviction to quarter sessions.

33. When, in pursuance of this Part of this Act, any person is convicted by a court of summary jurisdiction of an offence, or when in the case of any application to a court of summary jurisdiction under this Part of this Act for an order committing a child or young person to the care of any person, or for an order for contribution to the maintenance of a child or young person, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision to quarter sessions.

Institution of proceedings by guardians, &c.

34.—(1) A board of guardians may institute any proceedings under this Part of this Act for any offence in relation to a child or young person and may, out of their common fund, pay the reasonable costs and expenses of any proceedings so instituted by them.

(2) The like powers of instituting proceedings may, in London, be also exercised by a local authority for the purposes of Part I. of this Act, and the expenses of such proceedings shall be defrayed as expenses of the authority under Part I.

Supplemental.

A.D. 1908.

35. Every misdemeanor under this Part of this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859, and any Act amending that Act.

Application of Vexatious Indictments Act. 22 & 23 Vict. c. 17.

36. Section ten of the Poor Law Act, 1879, shall be amended so as to include in it as one of the associations or societies to which a board of guardians may, with the consent of the Local Government Board, subscribe, any society or body corporate for the prevention of cruelty to children.

Extension of section ten of 42 & 43 Vict. c. 54.

37. Nothing in this Part of this Act shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.

Right of parent, &c. to administer punishment.

38.—(1) In this Part of this Act, unless the context otherwise requires, the expression “fit person,” in relation to the care of any child or young person, includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children.

Interpretation of Part II.

(2) For the purposes of this Part of this Act—

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain a child or young person shall be presumed to have the custody of the child or young person, and as between father and mother the father shall not be deemed to have ceased to have the custody of the child or young person by reason only that he has deserted, or otherwise does not reside with, the mother and child or young person; and

Any person to whose charge a child or young person is committed by any person who has the custody of the child or young person shall be presumed to have charge of the child or young person; and

Any other person having actual possession or control of a child or young person shall be presumed to have the care of the child or young person.

(3) This Part of this Act shall apply in the case of a child or young person who has before the commencement of this Act been committed to the care of a relative or other fit person by an order made under the Prevention of Cruelty to Children Act, 1904, as if the order had been made under this Part of this Act.

PART III.

JUVENILE SMOKING.

39. If any person sells to a person apparently under the age of sixteen years any cigarettes or cigarette papers, whether for his own use or not, he shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds,

Penalty on selling tobacco to children and young persons.

A.D. 1908. and in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds.

Forfeiture of tobacco.

40. It shall be the duty of a constable and of a park keeper, being in uniform, to seize any cigarettes or cigarette papers in the possession of any person apparently under the age of sixteen whom he finds smoking in any street or public place, and any cigarettes or cigarette papers so seized shall be disposed of, if seized by a constable in such manner as the police authority may direct, and if seized by a park keeper in such manner as the authority or person by whom he was appointed may direct, and such constable or park keeper shall be authorised to search any boy so found smoking, but not a girl.

Provisions as to automatic machines for the sale of tobacco.

41.—(1) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of cigarettes kept on any premises is being extensively used by children or young persons, the court may order the owner of the machine or the person on whose premises the machine is kept to take such precautions to prevent the machine being so used as may be specified in the order, or, if necessary, to remove the machine, within such time as may be specified in the order. Provided that any person aggrieved by such an order may appeal against it to a court of quarter sessions.

(2) If any person against whom any such order has been made fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

Exemption for persons employed in trade, &c.

42. The provisions of this Part of this Act which make it an offence to sell cigarettes or cigarette papers, and which authorise the seizure of cigarettes and cigarette papers, shall not apply where the person to whom the cigarettes or cigarette papers are sold, or in whose possession they are found, was at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or was a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

Application of Part III.

43.—(1) For the purposes of this Part of this Act the expression "cigarette" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

(2) This Part of this Act shall apply to tobacco other than cigarettes in like manner as it applies to cigarettes, except that a person shall not be guilty of an offence for selling such other tobacco to a person apparently under the age of sixteen years if he did not know, and had no reason to believe, that it was for the use of that person.

(3) This Part of this Act shall apply to smoking mixtures intended as a substitute for tobacco in like manner as it applies to cigarettes. A.D. 1908.

PART IV.

REFORMATORY AND INDUSTRIAL SCHOOLS.

Interpretation.

44.—(1) For the purposes of this Part of this Act unless the context otherwise requires— Definitions.

The expression “reformatory school” means a school for the industrial training of youthful offenders, in which youthful offenders are lodged, clothed, and fed, as well as taught;

The expression “industrial school” means a school for the industrial training of children, in which children are lodged, clothed, and fed, as well as taught;

The expression “certified school” means a reformatory or industrial school which is certified in accordance with the provisions of this Part of this Act;

The expression “attendance order” means an attendance order made in pursuance of the Elementary Education Act, 1876; 39 & 40 Vict.
c. 79.

The expression “child,” used in reference to a child ordered to be sent to a certified industrial school or to be transferred from a certified reformatory to a certified industrial school, applies to that child during the whole period of detention, whether in the industrial school or out on licence, notwithstanding that the child attains the age of fourteen years before the expiration of that period, and, when used in reference to proceedings for the purpose of enforcing an attendance order, includes any person who, by virtue of any enactment, is deemed to be a child for the purposes of the Education Acts, 1870 to 1907.

(2) The persons for the time being having the management or control of a school shall be deemed the managers thereof for the purposes of this Part of this Act.

Certification and Inspection of Schools.

45.—(1) The Secretary of State may upon the application of the managers of any reformatory or industrial school direct the chief inspector of reformatory and industrial schools herein-after mentioned to examine into the condition and regulations of the school and its fitness for the reception of youthful offenders or children to be sent there under this Part of this Act, and to report to him thereon. Certification of
school.

(2) The Secretary of State, if satisfied with the report of the inspector, may certify that the school is fit for the reception of youthful offenders or children to be sent there in pursuance of this Part of this Act.

A.D. 1908. **46.**—(1) The Secretary of State may appoint a chief inspector of reformatory and industrial schools, and such number of inspectors and assistant inspectors as the Treasury may approve to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Secretary of State directs but shall act under the direction of the chief inspector.

Inspection of certified schools.

(2) The chief and other inspectors shall receive such remuneration and allowances out of money provided by Parliament as the Secretary of State, with the consent of the Treasury, may direct.

(3) Every certified school shall, at least once in every year, be inspected by the chief inspector of reformatory and industrial schools, or by an inspector or assistant inspector.

Power of Secretary of State to withdraw certificate.

47. The Secretary of State, if dissatisfied with the condition, rules, management, or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice, being not less than six months after the date of the notice; and at that time the withdrawal of the certificate shall take effect, and the school shall cease to be a certified school:

Provided that the Secretary of State may, if he thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of youthful offenders or children to the school for such time as may be specified in the notice or until the notice is revoked.

Resignation of certificate by managers.

48. The managers of a certified school may, on giving six months' notice, and the executors or administrators of a deceased manager (if only one) of a certified school may, on giving one month's notice in writing to the Secretary of State of their intention so to do, resign the certificate for the school, and accordingly, at the expiration of six months or one month (as the case may be) from the date of the notice (unless before that time the notice is withdrawn), the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Effect of withdrawal or resignation of certificate.

49. A youthful offender or child shall not be received into a certified school in pursuance of this Part of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate for the school or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any youthful offenders or children detained in the school at the respective dates aforesaid shall, except so far as the Secretary of State otherwise directs, continue until the withdrawal or resignation of the certificate takes effect, or until the discontinuance of the contribution out of money provided by Parliament towards the expenses of the offenders and children detained in the school, whichever may first happen.

50. Where a school ceases to be a certified school the youthful offenders or children detained therein shall be by order of the Secretary of State either discharged or transferred to some other certified school in accordance with the provisions of this Part of this Act relating to discharge and transfer.

A.D. 1908.
Disposal of inmates on withdrawal or resignation of certificate.

51. Where the managers of a certified school, or the managers of two or more certified reformatory schools or of two or more certified industrial schools, propose to establish an auxiliary home for the reception of any inmates or any classes of inmates of the school or schools, or to utilize for any such purpose an institution already in existence or about to be established by any other persons, the Secretary of State may, on the like application and report as is required in the case of the schools themselves, certify the home or institution, and the certificate may be withdrawn and resigned in like manner as a certificate of a school, but whilst the home or institution remains certified it shall for such purposes as are specified in the certificate be treated as part of the school or schools to which it is attached.

Auxiliary homes.

Duties and Powers of Managers.

52. The managers of a certified school may decline to receive any youthful offender or child proposed to be sent to them in pursuance of this Part of this Act, but when they have once accepted any such offender or child they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate for the school, or until the discontinuance of the contribution out of money provided by Parliament towards the expenses of the offenders or children detained in the school, whichever may first happen.

Liabilities of managers.

53. The managers of a certified industrial school to which a child under the age of eight years is sent may, with the consent of the Secretary of State, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the Secretary of State, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed by regulations made by the Secretary of State; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Part of this Act to be a child detained in the school, and the provisions of this Part of this Act shall apply accordingly, subject to such necessary adaptations as may be made by Order in Council.

Boarding out of children.

54. The managers of a certified school may at any time, and shall whenever so required by the Secretary of State, make rules for the management and discipline of the school, but the rules so

Power to make rules.

A.D. 1908. made shall in all cases be subject to approval by the Secretary of State.

Approval of alterations &c. of buildings.

55. No substantial addition to or alteration in the buildings of a certified school shall be made without the approval in writing of the Secretary of State.

Schemes for superannuation of officers.

56.—(1) The managers of any certified school may establish, or join with the managers of one or more other certified schools in establishing, a scheme for the payment of superannuation allowances to officers of the school or schools who become incapable of discharging the duties of their offices with efficiency by reason of permanent infirmity of mind or body, or of old age, upon their resigning or otherwise ceasing to hold their offices:

29 & 30 Vict. c. 31.

Provided that the scheme shall not provide for payment of any superannuation allowance in any case in which such an allowance would not be payable under the Superannuation (Metropolis) Act, 1866, or in excess of the amount of any superannuation allowance which would be payable under that Act, in similar circumstances.

(2) The scheme may also provide for the payment under any circumstances under which a gratuity may be paid under the Superannuation (Metropolis) Act, 1866, of a gratuity not exceeding such an amount as is authorised by that Act.

(3) The expenses incurred by the managers of any such school under any such scheme shall be treated as part of the expenses of the management of the school.

Mode of sending Offenders and Children to Reformatory and Industrial Schools and their Treatment therein.

Commitment of offenders between twelve and sixteen years of age to reformatory schools.

57.—(1) Where a youthful offender, who in the opinion of the court before which he is charged is twelve years of age or upwards but less than sixteen years of age, is convicted, whether on indictment or by a petty sessional court, of an offence punishable in the case of an adult with penal servitude or imprisonment, the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order that he be sent to a certified reformatory school:

Provided that where the offender is ordered to be sent to a certified reformatory school he shall not in addition be sentenced to imprisonment.

(2) Where such an order has been made in respect of a youthful offender of the age of fourteen years or upwards, and no certified reformatory school can be found the managers of which are willing to receive him, the Secretary of State may order the offender to be brought before the court which made the order or any court having the like jurisdiction, and that court may in lieu of the detention order make such order or pass such sentence as the court may determine, so however that the order or sentence shall be such as might have been originally made or passed in respect of the offence.

58.—(1) Any person may bring before a petty sessional court any person apparently under the age of fourteen years who—

A.D. 1908.

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Children liable
to be sent to
industrial
schools.

- (a) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any street premises or place for the purpose of so begging or receiving alms; or
- (b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship; or
- (c) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing penal servitude or imprisonment; or
- (d) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or
- (e) is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence under section four or section five of the Criminal Law Amendment Act, 1885, in respect of any of his daughters, whether legitimate or illegitimate; or
- (f) frequents the company of any reputed thief, or of any common or reputed prostitute; or
- (g) is lodging or residing in a house or the part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child,

48 & 49 Vict.
c. 69.

and the court before which a person is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient so to deal with him, may order him to be sent to a certified industrial school. Provided that a child shall not be treated as coming within the description contained in paragraph (f) if the only common or reputed prostitute whose company the child frequents is the mother of the child, and she exercises proper guardianship and due care to protect the child from contamination.

(2) Where a child apparently under the age of twelve years is charged before a court of assize or quarter sessions or a petty sessional court with an offence punishable in the case of an adult by penal servitude or a less punishment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a certified industrial school.

(3) Where a child, apparently of the age of twelve or thirteen years, who has not previously been convicted, is charged before a petty sessional court with an offence punishable in the case of an adult by penal servitude or a less punishment, and

A.D. 1908. — the court is satisfied that the child should be sent to a certified school but, having regard to the special circumstances of the case, should not be sent to a certified reformatory school, and is also satisfied that the character and antecedents of the child are such that he will not exercise an evil influence over the other children in a certified industrial school, the court may order the child to be sent to a certified industrial school, having previously ascertained that the managers are willing to receive the child :

Provided that the Secretary of State may, on the application of the managers of the industrial school, by order transfer the child to a certified reformatory school.

(4) Where the parent or guardian of a child proves to a petty sessional court that he is unable to control the child, and that he desires the child to be sent to an industrial school under this Part of this Act, the court, if satisfied on inquiry that it is expedient so to deal with the child, and that the parent or guardian understands the results which will follow, may order him to be sent to a certified industrial school :

7 Edw. 7. c. 17. Provided that, if the court thinks that it is expedient that the child instead of being sent to a certified industrial school should be placed under the supervision of a probation officer, the court may deal with him in like manner as, if he had been charged with an offence, the court might have dealt with him under the Probation of Offenders Act, 1907, so however that the recognisance on entering into which he is discharged shall bind him to appear for having a detention order made against him.

(5) Where the guardians of a poor law union or the managers of a district poor law school satisfy a petty sessional court that any child maintained in a workhouse or district poor law school is refractory or is the child of parents either of whom has been convicted of an offence punishable with penal servitude or imprisonment, and that it is desirable that the child be sent to an industrial school under this Part of this Act, the court may, if satisfied that it is expedient so to deal with the child, order him to be sent to a certified industrial school.

(6) A petty sessional court may, on the complaint of a local education authority, made in accordance with the provisions of section twelve of the Elementary Education Act, 1876, for the purpose of enforcing an attendance order, order a child to be sent to a certified industrial school as provided in that section :

Provided that, if upon any such complaint it appears to the court that the child comes within one of the descriptions mentioned in subsection one of this section, the court may, on the application of the local education authority, proceed under that subsection and not under this subsection or section twelve of the Elementary Education Act, 1876.

(7) Where under this section a court is empowered to order a child to be sent to a certified industrial school the court, in lieu of ordering him to be so sent, may in accordance with the

provisions of Part II. of this Act, make an order for the committal of the child to the care of a relative or other fit person named by the court, and the provisions of that Part shall, so far as applicable, apply as if the order were an order under that Part.

A.D. 1908.

(8) It shall be the duty of the police authority to take proceedings under subsection one of this section as respects any child in their district who appears to the authority to come within one of the descriptions mentioned in that subsection, unless—

- (a) the case is one within the cognisance of the local education authority and that authority decide themselves to take the proceedings; or
- (b) proceedings are being taken by some other person; or
- (c) the police authority are satisfied that the taking of proceedings is undesirable in the interests of the child.

59. Any person may bring before a petty sessional court any person apparently of the age of fourteen or fifteen years so circumstanced that if he were a child he would come within one or other of the descriptions mentioned in subsection one of the last foregoing section, and the court, if satisfied on inquiry of that fact and that it is expedient so to deal with him, may, in accordance with the provisions of Part II. of this Act, make an order for his committal to the care of a relative or other fit person named by the court, and the provisions of that Part shall, so far as applicable, apply as if the order were an order under that Part.

Power to commit young persons to care of relative or fit person in certain cases.

60. Where under the provisions of this Part of this Act an order is made for the committal of a child or young person to the care of a relative or other fit person named by the court, the court may in addition to such order make an order under the Probation of Offenders Act, 1907, that the child or young person be placed under the supervision of a probation officer:

Power in such cases to place young persons under supervision of probation officer.

Provided that the recognizance into which the child, if not charged with an offence, or the young person is required to enter, shall bind him to appear and submit to the further order of the court.

61. An order of a court ordering a youthful offender or child to be sent to and detained in a certified school (in this Act referred to as a detention order) may, if the court think fit, be made to take effect either immediately or at any later date specified therein, regard being had to the age or health of the youthful offender or child.

Power to defer operation of order.

62.—(1) The school to which a youthful offender or child is to be sent under a detention order shall be such school as may be specified in the order, being some certified school (whether situate within the jurisdiction of the court making the order or not) the managers of which are willing to receive the youthful offender or child:

Choice of school.

A.D. 1908.

Provided that, if it is found impossible to specify the school in the detention order, the school shall, subject to the provisions of this Act with respect to the determination of the place of residence of a youthful offender or child, be such as a justice having jurisdiction in the place where the court which made the order sat may by endorsement on the detention order direct.

(2) Where the court is satisfied that a youthful offender or child is, by reason of mental or physical defect, incapable of receiving proper benefit from industrial training in an ordinary certified school, but is not incapable by reason of such defect of receiving benefit from industrial training in a certified school where special provision is made for the training of youthful offenders or children suffering from such defect, the detention order (if any) shall be for detention in a school where such provision is made.

Temporary detention until sent to certified school.

63. If—

- (a) a detention order is made but is not to take effect immediately; or,
- (b) at the time specified for the order to take effect the youthful offender or child is unfit to be sent to a certified school; or,
- (c) the school to which the youthful offender or child is to be sent cannot be ascertained until inquiry has been made,

the court may make an order committing him either to custody in any place to which he might be committed on remand under Part V. of this Act, or to the custody of a relative or other fit person to whose care he might be committed under Part II. of this Act, and he shall be kept in that custody accordingly until he is sent to a certified school in pursuance of the detention order.

Conveyance to school.

64.—(1) The person by whom any youthful offender or child ordered to be sent to a certified school is detained shall at the appointed time deliver him into the custody of the constable or other person responsible for his conveyance to school, who shall deliver him to the superintendent or other person in charge of the school in which he is to be detained, together with the order or other document in pursuance of which the offender or child was detained and is sent to the school.

(2) The detention order in pursuance of which the youthful offender or child is sent to a certified school shall be a sufficient authority for his conveyance to and detention in the school or any other school to which he is transferred under this Part of this Act.

Period of detention.

65. The detention order shall specify the time for which the youthful offender or child is to be detained in the school, being—

- (a) in the case of a youthful offender sent to a reformatory school, not less than three and not more than five

years, but not in any case extending beyond the time when the youthful offender will, in the opinion of the court, attain the age of nineteen years; and

- (b) in the case of a child sent to an industrial school, such time as to the court may seem proper for the teaching and training of the child, but not in any case extending beyond the time when the child will, in the opinion of the court, attain the age of sixteen years.

A.D. 1908.

66.—(1) The court or justice, in determining the certified school to which a youthful offender or child is to be sent, shall endeavour to ascertain the religious persuasion to which the offender or child belongs, and the detention order shall, where practicable, specify the religious persuasion to which the offender or child appears to belong, and a school conducted in accordance with that persuasion shall, where practicable, be selected.

Provision as to religious persuasion.

(2) A minister of the religious persuasion specified in the order as that to which a youthful offender or child sent to a certified school appears to belong may visit the offender or child at the school on such days, at such times, and on such conditions, as may be fixed by the Secretary of State, for the purpose of affording him religious assistance and also for the purpose of instructing him in the principles of his religion.

(3) Where an order has been made for sending a youthful offender or child to a certified school which is not conducted in accordance with the religious persuasion to which the offender belongs, the parent, legal guardian, nearest adult relative, or person entitled to the custody of the offender or child may apply—

- (a) if the detention order was made by a petty sessional court, to a petty sessional court acting in and for the place in and for which the court which made the order acted; and
- (b) in any other case, to the Secretary of State,

to remove or send the offender or child to a certified school conducted in accordance with the offender's or child's religious persuasion, and the court or Secretary of State shall, on proof of the offender's or child's religious persuasion, comply with the request of the applicant:

Provided that—

- (i) the application must be made before the offender or child has been sent to a certified school, or within thirty days after his arrival at the school; and
- (ii) the applicant must show to the satisfaction of the court or Secretary of State that the managers of the school named by him are willing to receive the offender or child:
- (iii) nothing in this section shall be construed as preventing any such person as aforesaid from making an application to the Secretary of State after the expiration of

A.D. 1908.

the said period of thirty days to exercise the powers of transfer conferred on him by the other provisions of this Act.

Placing out on licence.

67.—(1) Where a youthful offender or child is detained in a certified school, the managers of the school may at any time, with the consent—

(a) in the case of a child sent to an industrial school at the instance of the local education authority, of that authority; and

(b) in any other case of the Secretary of State;

or after the expiration of eighteen months of the period of detention without any such consent, by licence permit the offender or child to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him :

Provided that where the licence is granted in respect of a child under the age of fourteen years it shall be conditional on the child attending as a day scholar, in accordance with the byelaws in force in the place where he resides, some school named in the licence, being a certified efficient school within the meaning of the Elementary Education Act, 1876.

39 & 40 Vict.
c. 79.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the offender or child to return to the school.

(4) Any youthful offender or child escaping from the person with whom he is placed in pursuance of this section, or refusing to return to the school when required to do so on the revocation or forfeiture of his licence, shall be liable to the same penalty as if he had escaped from the school itself.

(5) The time during which a youthful offender or child is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: Provided that, where a youthful offender or child has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

(6) Where a licence has been revoked or forfeited and the youthful offender or child refuses or fails to return to the school, a court of summary jurisdiction, if satisfied by information on oath that there is reasonable ground for believing that his parent or guardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the court on such day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this

Part of this Act, be liable on summary conviction to a fine not exceeding one pound. A.D. 1908.

68.—(1) Every youthful offender sent to a certified reformatory school shall, on the expiration of the period of his detention, if that period expires before he attains the age of nineteen years, remain up to the age of nineteen under the supervision of the managers of the school.

Supervision of youthful offenders and children after the expiration of period of detention.

(2) Every child sent to an industrial school shall, from the expiration of the period of his detention, remain up to the age of eighteen under the supervision of the managers of the school: Provided that this subsection shall not apply in any case where the child was ordered to be sent to an industrial school for the purpose only of enforcing an attendance order made in consequence of his parent, guardian, or other person legally liable to maintain him neglecting to provide efficient elementary instruction for him.

(3) The managers may grant to any person under their supervision a licence in the manner provided by this Part of this Act, and may revoke any such licence, and recall any such person to the school; and any person so recalled may be detained in the school for a period not exceeding three months, and may at any time be again placed out on licence: Provided that—

- (a) a person shall not be so recalled unless the managers are of opinion that the recall is necessary for his protection; and
- (b) the managers shall send to the chief inspector of reformatory and industrial schools an immediate notification of the recall of any person, and shall state the reasons for his recall; and
- (c) they shall again place the person out as soon as possible, and at latest within three months after the recall, and shall forthwith notify the chief inspector that the person has been placed out.

(4) A licence granted to a youthful offender or child before the expiration of his period of detention shall, if he is liable to be under supervision in accordance with this section, continue in force after the expiration of that period, and may be revoked in manner provided by this Part of this Act.

(5) The Secretary of State may at any time order that a person under supervision under this section shall cease to be under such supervision.

(6) When a youthful offender or child is under the supervision of the managers of a certified school it shall not be lawful for his parent to exercise, as respects the youthful offender or child, his rights and powers as parent in such a manner as to interfere with the control of the managers over the youthful offender or child.

69.—(1) The Secretary of State may at any time order a youthful offender or a child to be discharged from a certified school, either absolutely or on such conditions as the Secretary of State approves, and may, where the order of discharge is

Discharge and transfer.

A.D. 1908. conditional, revoke the order on the breach of any of the conditions on which it was granted, and thereupon the youthful offender or child shall return to school, and if he fails to do so he and any person who knowingly harbours or conceals him or prevents him from returning to school shall be liable to the same penalty as if the youthful offender or child had escaped from the school.

(2) The Secretary of State may order—

- (a) a youthful offender or child to be transferred from one certified reformatory school to another, or from one certified industrial school to another;
- (b) a youthful offender under the age of fourteen years detained in a certified reformatory school to be transferred to a certified industrial school;
- (c) a child over the age of twelve years detained in a certified industrial school, who is found to be exercising an evil influence over the other children in the school, to be transferred to a certified reformatory school;

so however that the whole period of the detention of the offender or child shall not be increased by the transfer.

(3) Where a youthful offender or child is detained in a certified school in one part of the United Kingdom, the central authority for that part of the United Kingdom may, subject to the provisions of this section, direct the youthful offender or child to be transferred to a certified school in another part of the United Kingdom if the central authority for that other part consents.

For the purpose of this provision "central authority" means the Secretary of State, the Secretary for Scotland, or the Chief Secretary, as the case may be.

Power to apprentice or dispose of child.

70. If any youthful offender or child detained in or placed out on licence from a certified school, or a person when under the supervision of the managers of such a school, conducts himself well, the managers of the school may, with his own consent, apprentice him to, or dispose of him in, any trade, calling, or service, including service in the Navy or Army, or by emigration, notwithstanding that his period of detention or supervision has not expired; and such apprenticing or disposition shall be as valid as if the managers were his parents:

Provided that where he is to be disposed of by emigration, and in any case unless he has been detained for twelve months, the consent of the Secretary of State shall also be required for the exercise of any power under this section.

Offences in relation to Certified Schools.

Refusal to conform to rules.

71.—(1) If a youthful offender detained in a certified reformatory school is guilty of a serious and wilful breach of the rules of the school, or of inciting other inmates of the school to such a breach, he shall be liable upon summary conviction to

have the period of his detention in the reformatory school increased by such period not exceeding six months as the court directs, or, if of the age of sixteen years or upwards, to be imprisoned, with or without hard labour, for any term not exceeding three months; and if sentenced to imprisonment he shall, at the expiration of the term thereof, by and at the expense of the managers of the school in which the offence was committed, be brought back to a certified reformatory school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison. A.D. 1908.

(2) If a child of the age of twelve years or upwards detained in a certified industrial school is guilty of a serious and wilful breach of the rules of the school, or of inciting other inmates of the school to such a breach, he shall be liable on summary conviction to be sent to a certified reformatory school, and to be there detained, subject and according to the provisions of this Part of this Act.

(3) A period of detention may be increased in pursuance of this section notwithstanding that the period as so increased will extend beyond the limits imposed by this Part of this Act.

72.—(1) If a youthful offender detained in a certified reformatory school escapes from the school, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a court of summary jurisdiction having jurisdiction in the county or place where he is found, or in the county or place where the school from which he escaped is situate; and he shall be liable on summary conviction to be brought back to the reformatory school and to have the period of his detention therein increased by such period not exceeding six months as the court directs, or, if of the age of sixteen years or upwards, to be imprisoned, with or without hard labour, for any term not exceeding three months; and if sentenced to imprisonment he shall, at the expiration of the term thereof, be brought back to a certified reformatory school. Escaping from school.

(2) If a child detained in a certified industrial school escapes from the school, he may at any time before the expiration of his period of detention be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a court of summary jurisdiction having jurisdiction in the county or place where he is found, or in the county or place where the school from which he escaped is situate; and he shall be liable, on summary conviction, to be brought back to the school from which he escaped, or, if of the age of twelve years or upwards, to be sent to a certified reformatory school and to be there detained subject and according to the provisions of this Part of this Act.

(3) In computing the time during which a youthful offender or child who, having escaped, is brought back to a certified school is thereafter liable to be detained in that school, the time

A.D. 1908. during which he was absent from school, including the time (if any) during which he was imprisoned under this section, shall not be reckoned as part of the period of detention.

(4) The expenses of bringing a youthful offender or child back to the school shall be borne by the managers of the school from which he escaped.

(5) Where the period for which a youthful offender or child, on being brought back to the school from which he escaped, is liable to be detained therein would, by virtue of this section, whether on account of any increase in the period of detention or otherwise, extend beyond the limits imposed by this Part of this Act, the youthful offender or child may notwithstanding anything in this Part of this Act be detained in the school in accordance with this section.

(6) If any person—

(a) knowingly assists or induces directly or indirectly an offender or child detained in or placed out on licence from a certified school to escape from the school or from any person with whom he is placed out on licence ;

(b) knowingly harbours, conceals, or prevents from returning to school, or to any person with whom he is placed out on licence, an offender or child who has so escaped, or knowingly assists in so doing ;

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, with or without hard labour, or to a fine not exceeding twenty pounds.

Expenses of Certified Schools.

Contributions
from Treasury.

73. There shall be paid out of money provided by Parliament such sums on such conditions as the Secretary of State may, with the approval of the Treasury, recommend towards the expenses of any youthful offender or child detained in a certified school, including the expenses of removal in the case of any offender or child ordered to be transferred from one school to another and towards the expenses of disposing of any such offender or child by emigration :

Provided that the contribution shall not exceed two shillings per head per week for children detained in an industrial school on the application of their parents or guardians.

Duties and
powers of local
authorities
with respect to
the maintenance,
&c., of
inmates of certified
schools.

74.—(1) Where a youthful offender is ordered to be sent to a certified reformatory school, it shall be the duty of the council of the county or county borough in which he resides (to be specified in the order) to provide for his reception and maintenance in a certified reformatory school suitable to the case, having regard to the requirements of this Part of this Act.

(2) Where a child is ordered to be sent to a certified industrial school, it shall be the duty of the local education authority of the

district in which he resides (to be specified in the order) to provide for his reception and maintenance in a certified industrial school suitable to the case, having regard to the requirements of this Part of this Act.

A.D. 1908.

(3) For the purposes of the foregoing provisions of this section a youthful offender or child shall be presumed to reside in the place where the offence was committed, or the circumstances which rendered him liable to be sent to a certified school occurred, unless it is proved that he resided in some other place.

(4) Where the court by which the detention order is made is a court of assize or a court of quarter sessions, the court shall remit to a court of summary jurisdiction for the place where the youthful offender or child was committed for trial the determination of his place of residence.

(5) The obligation imposed under this section on a local education authority shall not apply in the case of a child sent to a certified industrial school—

- (a) at the desire of his parent or guardian as being a child whom the parent or guardian is unable to control; or
- (b) at the instance of the guardians of a poor law union or the managers of a district poor law school as being a refractory child, or as being the child of parents either of whom has been convicted of an offence punishable with penal servitude or imprisonment; or
- (c) being a child who had no settled place of abode and who habitually wandered from place to place through the districts of various local education authorities; or
- (d) in respect of whose maintenance in a certified school no contribution is paid out of moneys provided by Parliament.

But the local education authority who would but for this provision have been responsible for the maintenance of the child may, if they think fit, contribute towards his maintenance or provide for his maintenance in a certified school in any such case.

(6) An order for the detention of a child in a certified industrial school shall not be made by a petty sessional court unless the local education authority, which by virtue of the order are responsible for providing for the reception and maintenance of the child in a certified school, have been given an opportunity of being heard.

(7) Where a local authority, that is to say, as respects reformatory schools the council of a county or county borough, and as respects industrial schools a local education authority, are aggrieved by the decision of a court as to the place of residence of a youthful offender or child, they may within three months after the making of the detention order apply to a petty sessional court acting in and for the place for which the court which made the order or determined the place of residence acted, and that court, on proof to its satisfaction that the youthful offender or

A.D. 1908. child was resident in the area of another local authority, and after giving such other local authority an opportunity of being heard, may transfer the liability to maintain the youthful offender or child in a certified school to that other local authority, and may order that other authority to repay to the first-mentioned local authority any expenses incurred by them in respect of the youthful offender or child under the detention order, and an appeal shall lie from the decision of the court to a court of quarter sessions; but nothing in this provision shall affect the liability of the first-mentioned local authority under the detention order until an order has been made transferring the liability to another local authority.

(8) For the purpose of the performance of their duties under this Part of this Act, a local authority—

(a) may contract with the managers of any certified school for the reception and maintenance therein of youthful offenders or children for whose reception and maintenance the authority are required under this section to make provision;

(b) may, with the approval of the Secretary of State, undertake or combine with any other such authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the establishment, building, alteration, enlargement, rebuilding, or management of a certified school, or the purchase of any land required for the use of an existing certified school, or for the site of any school intended to be a certified school.

(9) A local authority may contribute towards the ultimate disposal of any inmate of a certified school for whose maintenance in such a school the authority are under this section responsible, or towards whose maintenance the authority have voluntarily contributed.

(10) The local authority responsible for the maintenance of a youthful offender or child in a certified school under this section shall continue responsible for his maintenance in the event of his transfer to another certified school, notwithstanding that having been originally ordered to be sent to a reformatory school he is subsequently transferred to an industrial school, or having been originally ordered to be sent to an industrial school he is subsequently transferred to or ordered by a court to be sent to a reformatory school:

Provided that, before any such youthful offender or child is ordered to be transferred from one school to another, notice shall be given to the local authority responsible for his maintenance, and that authority shall be given an opportunity of making representations to the Secretary of State with respect thereto.

(11) Where a child has been ordered to be sent to a certified industrial school at the instance of the guardians of a poor law union or the managers of a district poor law school as refractory, or as the child of parents either of whom has been convicted of

an offence punishable with penal servitude or imprisonment, the guardians or managers shall contribute towards the maintenance of the child in a certified industrial school such sums as may be agreed upon between them and the managers of the certified school to which the child is ordered to be sent, or in default of agreement as may be fixed by the Secretary of State. A.D. 1908.

(12) Land may be acquired by a local authority for the purposes of this Part of this Act—

- (a) as respects reformatory schools, under and in accordance with the Local Government Act, 1888, in the case of the council of a county, and as for the purposes of the Public Health Acts in the case of the council of a county borough; 51 & 52 Vict. c. 41.
- (b) as respects industrial schools, as for the purposes of the Education Acts, 1870 to 1907.

(13) The expenses incurred by a local authority under this Part of this Act shall be defrayed—

- (a) as respects reformatory schools, as expenses for general county purposes in the case of the council of a county, and out of the borough fund or borough rate in the case of the council of a county borough;
- (b) as respects industrial schools, as expenses incurred for the purposes of elementary education.

(14) Money may be borrowed by a local authority for the purposes of defraying or contributing towards the expenses of establishing, building, altering, enlarging, rebuilding, or purchasing land for the use or site of—

- (a) a reformatory school, under and in accordance with the Local Government Act, 1888, in the case of the council of a county, and under and in accordance with the Municipal Corporations Act, 1882, in the case of a council of a county borough;
- (b) an industrial school, under and in accordance with the Education Acts, 1870 to 1907:

Provided that the maximum period within which money so borrowed is to be repaid shall be sixty years.

(15) Where two or more local education authorities, with the approval of the Secretary of State, agree to combine for any of the purposes of this section, the agreement may provide for the appointment of a joint body of managers, and for the apportionment of the contributions to be paid by each authority and any other matters which, in the opinion of the Secretary of State, are necessary for carrying out the agreement, and the expenses of any such joint body of managers shall be paid in the proportions specified in the agreement by each of the authorities, and their receipts and payments shall be audited in manner provided by section six of the Education (Administrative Provisions) Act, 7 Edw. 7. c. 43. 1907.

(16) For the purpose of obtaining the approval of the Secretary of State where required by this section, there shall be

A.D. 1908. — forwarded to the Secretary of State particulars of the proposed establishment or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building drawn on such scale and accompanied by such particulars and estimate of cost as the Secretary of State thinks fit to require, and the Secretary of State may approve the plan and particulars submitted to him, with or without modification, or may disapprove them.

56 & 57 Vict.
c. 73.

(17) Where before the commencement of this Act a county council have, in their capacity of county council, established an industrial school, the school shall become the property of the county council in their capacity of local education authority, and such adjustments as may be required for the purpose shall be made between the county council and the local education authorities within the county (including the county council in their capacity of local education authority), and section sixty-eight of the Local Government Act, 1894, shall apply to such adjustments in like manner as it applies to adjustments required for the purposes of that Act.

(18) As respects the city of London the Common Council shall, notwithstanding anything in this section, be the local authority liable for providing for the reception and maintenance in a certified reformatory school of a youthful offender committed by a petty sessional court acting in and for the city :

Provided that nothing in this provision shall exempt the city of London from contributing towards the expenses incurred by the London County Council in respect of reformatory schools, but the London County Council shall in each year repay to the Common Council for each youthful offender maintained by that council a sum equal to the average cost to the London County Council in that year of the maintenance of a youthful offender in a reformatory school for whose maintenance the London County Council are responsible, which cost shall be ascertained in accordance with the directions of the Secretary of State.

Contributions
by parents.

75.—(1) The parent, or other person liable to maintain a youthful offender or child ordered to be sent to and detained in a certified school shall, if able to do so, contribute to his maintenance therein a sum not exceeding such sum as may be declared by Order in Council to represent approximately the average cost of maintenance of youthful offenders or children in the class of school to which such school belongs in the locality in which such school is situate.

(2)—(a) The court by which a detention order is made shall at the time of making that order, unless it considers that it is not in possession of the necessary information ; and

(b) any petty sessional court having jurisdiction at the place where such parent or other person resides may, on complaint being made by or at the instance of the chief inspector of reformatory and industrial schools, at any time whilst the offender or child is detained in the school ;

make an order on such parent or other person for the payment to the chief inspector of such weekly sum, not exceeding such sum as aforesaid, as having regard to the ability of the parent or other person seems reasonable during the whole or any part of the time for which the offender or child is liable to be detained in the school : A.D. 1908.

Provided that the court making the detention order, if a court of assize or court of quarter sessions, may, if it thinks fit, remit the case to a court of summary jurisdiction for the place where the offender or child was committed for trial, for the purpose of making an order under this section, and upon the case being so remitted any such court of summary jurisdiction shall have power to make any such order under this section as the court which made the detention order might have made.

(3) Every such order may specify the time during which the payment is to be made, or may direct the payment to be made until further order, and shall be enforceable as an order of affiliation.

(4) Any order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the chief inspector and on fourteen days' notice of such application being given to the chief inspector or person on whom the order was made, be varied by any court which would have had power to make the order.

(5) An order made under this section shall be binding on the person on whom it is made :

Provided that if that person was not summoned to attend the sitting of the court at which the order was made, the order shall be served on him in manner prescribed by rules of court, and shall be binding on him unless he makes an application against it within the time prescribed by rules of court to the court by which the order was made or any court of like jurisdiction on the ground either that he is not liable to maintain the offender or child, or that he is unable to contribute the sum specified in the order, and on any such application being made the court may confirm the order with or without modifications or may rescind it.

(6) Where a parent or other person has been ordered under this section to contribute to the maintenance of a youthful offender or child, he shall give notice of any change of address to the chief inspector of reformatory and industrial schools, and, if he fails to do so without reasonable excuse, he shall be liable on summary conviction to a fine not exceeding two pounds.

(7) All sums received under this section shall be paid into the Exchequer, but, if the amount received in respect of any child in an industrial school exceeds the contribution from the Treasury in respect of that child, the excess shall be paid to the managers of the school and shall not be paid into the Exchequer.

(8) The Secretary of State may in his discretion remit wholly or partially any payment ordered to be made under this section.

A.D. 1908. (9) It shall be the duty of a constable, if so required by the chief inspector of reformatory and industrial schools, to take proceedings under this section on behalf of the chief inspector.

(10) Where there is some person, other than the parent, liable to maintain a youthful offender or child, an order under this section may be made on that person notwithstanding that there may be also a parent.

(11) Any court making an order under this section for contribution by a parent or other such person may, in any case where there is any pension or income payable to such parent or other person and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, further order that such part as the court may see fit of the pension or income be attached and be paid to the person named by the court. Such further order shall be an authority to the person by whom such pension or other income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to such first-named person.

Expenses of conveyance and clothing.

76.—(1) The expense of conveying to any certified reformatory school any youthful offender who has been directed to be detained in such a school, and the expense of proper clothing for him requisite for his admission to the school, shall be defrayed out of moneys provided by Parliament.

(2) The expense of conveying to a certified industrial school a child ordered to be sent there shall be defrayed by the police authority by whom he is conveyed, and shall be deemed part of the current expenses of that authority:

Provided that, where a child is committed to a certified industrial school at the instance of a local education authority, the authority may pay the expenses of and incidental to the conveyance of the child to and from the school, and the sending of the child out on licence or bringing back the child on the revocation or forfeiture of a licence.

Day Industrial Schools.

Establishment, &c. of day industrial schools.

77.—(1) If the Secretary of State is satisfied that, owing to the circumstances of any class of population in the area of any local education authority, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided is necessary or expedient for the proper training and control of the children of that class, he may, on the like application and report as is required by this Part of this Act in the case of industrial schools, certify any such school (in this Act referred to as a day industrial school) as fit for the reception of children to be sent there in pursuance of the provisions of this Part of this Act relating to day industrial schools.

(2) A certified day industrial school shall be deemed to be a certified efficient school within the meaning of the Elementary Education Act, 1876. A.D. 1908.
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39 & 40 Vict.
c. 79.

(3) A school shall not at the same time be a day industrial school and a reformatory or industrial school.

(4) If the Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon the school shall cease to be a certified day industrial school.

78.—(1) Any child authorised by this Part of this Act to be sent to a certified industrial school may, if the court before which the child is brought thinks it expedient, be sent to a certified day industrial school. Power to send
children to day
industrial
schools.

(2) Any child sent to a certified day industrial school by an order of a court (other than an attendance order) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the Secretary of State.

(3) The school must be within such distance of the residence of the child as may be prescribed by Order in Council under this Part of this Act, but need not be situate within the jurisdiction of the court making the order.

79. The managers of a certified day industrial school may, upon the request of a local education authority and of the parent or guardian of, or other person legally liable to maintain, a child, and upon the undertaking of the parent, guardian, or other person to pay towards the industrial training and meals of the child such sum as a Secretary of State may authorise, receive the child into the school under an attendance order or without an order of a court. Reception of
child under at-
tendance order
or without
order.

80. There shall be paid out of money provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent to a day industrial school such sums, on such conditions, as the Secretary of State, with the approval of the Treasury, may recommend : Contributions
by the Trea-
sury.

Provided that—

- (a) the conditions of a parliamentary contribution to a day industrial school shall provide that the education given in the school shall be on such level of efficiency as would enable the school, if a public elementary school, to obtain a parliamentary grant ;
- (b) any conditions recommended by the Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the Board of Education relating to the annual parliamentary grant.

A.D. 1908. **81.** A local education authority shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school, but nothing in this Act shall be construed as imposing on any such authority an obligation to provide for the reception and maintenance of a child in a certified day industrial school.

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Powers of local education authorities.

Contributions by parents. **82.**—(1) Where a court orders a child to be sent to a certified day industrial school, the court shall also order the parent of the child, or other person liable to maintain him, to contribute to his industrial training and meals in the school such sum as is named in the order, not exceeding such sum as may be declared by Order in Council to represent approximately the average cost of industrial training and meals in day industrial schools in the locality in which the school to which the child is sent is situate.

(2) It shall be the duty of the local education authority to obtain and enforce the order, and every sum paid under the order shall be paid over to the local education authority in aid of their expenses for elementary education under the Education Acts, 1870 to 1907.

(3) If a parent or other person is unable to pay the sum required by the order to be paid, he shall apply to the guardians of the poor law union comprising the parish in which the parent or other person is resident, who, if satisfied of such inability, shall give the parent or other person sufficient relief to pay the sum, or so much thereof as they consider him unable to pay.

Application to day industrial schools of provisions relating to industrial schools.

83. The provisions of this Part of this Act with respect to industrial schools shall, so far as applicable, apply to certified day industrial schools, subject to such modifications as are made therein by this Part of this Act: Provided that His Majesty may by Order in Council make such further modifications of those provisions as may appear to His Majesty to be necessary or proper for adapting those provisions to day industrial schools, and any such Order may provide that a child may be punished for an offence by being sent to a certified industrial school in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the provisions of this Part of this Act in relation to industrial schools.

Supplemental Provisions.

Power to send offenders conditionally pardoned to reformatory schools. **84.** Where a youthful offender has been sentenced to imprisonment or penal servitude, and has been pardoned by His Majesty on condition of his placing himself under the care of some charitable institution for the reception and reformation of youthful offenders, the Secretary of State may direct him, if under the age of sixteen years, to be sent to a certified reformatory school, the managers of which consent to receive him, for a period of not less than three and not more than five years, but not in any case extending beyond the time when he will in

the opinion of the Secretary of State attain the age of nineteen years; and thereupon the offender shall be subject to all the provisions of this Part of this Act as if he had been originally sentenced to detention in a certified reformatory school. A.D. 1908.

85. Every officer authorised by the managers of a certified school or by a local education authority to take charge of any youthful offender or child ordered to be detained under this Part of this Act for the purpose of conveying him to or from the school, or of apprehending and bringing him back to the school in case of his escape or refusal to return, shall, for that purpose and while engaged in that duty, have all the powers, protection, and privileges of a constable. Powers of school officers.

86. A notice of the grant of a certificate to a reformatory or industrial school, or of withdrawal or resignation of such a certificate, shall within one month be advertised by order of the Secretary of State in the London Gazette. Advertisement of grant, &c. of certificate.

87.—(1) An order or other act of the Secretary of State under this Part of this Act may be signified under the hand of the Secretary of State or of an under-secretary. Orders and notices.

(2) An order or other act of the managers of a certified school under this Part of this Act may be signified under the hands of the managers or their secretary or clerk.

(3) Any notice may be served on the managers of a certified school by being delivered personally to any one of them, or by being sent by post or otherwise, in a letter addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers or of their secretary or clerk, except where the managers are a local authority, in which case any notice may be so served on the clerk of the authority.

(4) No summons issued, notice given, or order made for the purpose of carrying into effect the provisions of this Part of this Act shall be invalidated for want of form only.

(5) The Secretary of State may prescribe forms to be used for the purposes of this Part of this Act otherwise than for the purpose of legal proceedings thereunder.

88.—(1) The production of the London Gazette containing a notice of the grant, or of the withdrawal or resignation, of a certificate to a certified school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or resignation of such a certificate. Rules respecting evidence of documents.

(2) The grant of a certificate to a certified school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be attested as such by the chief inspector of reformatory and industrial schools.

(3) A certificate purporting to be signed by one of the managers of a certified school, or by their secretary or clerk, or by the superintendent or other person in charge of the school, to

A.D. 1908. the effect that the youthful offender or child therein named was duly received into, and is at the date of the signing thereof detained in, the school, or has been otherwise dealt with according to law, shall be evidence of the matters therein stated.

(4) An instrument purporting to be an order of a court under this Part of this Act and to be signed by the members of the court which made the order, or purporting to be a copy of such an order, and to be certified as such a copy by the clerk to that court, shall be evidence of the order.

(5) A copy of rules purporting to be the rules of a certified school, and to be signed by the chief inspector of reformatory and industrial schools, shall be evidence of the rules of that school.

(6) A certificate purporting to be under the hand of the chief inspector or an inspector or assistant inspector of reformatory and industrial schools, stating that any sum due from a parent or other person for the maintenance of a child or young person is overdue and unpaid, shall be evidence of the facts stated therein.

(7) A school to which any youthful offender or child is directed to be sent in pursuance of this Part of this Act shall, until the contrary is proved, be deemed to be a certified school.

Liability to removal.

89. The time during which a child is detained in a certified school under this Part of this Act shall for all purposes be excluded in the computation of time mentioned in section one of the Poor Removal Act, 1846, as amended by any subsequent enactment.

9 & 10 Vict. c. 66.

Application to schools under local Acts.

90. This Part of this Act shall apply to any reformatory or industrial school established under any local Act passed before the commencement of this Act, subject to the following modifications :—

(1) The superintendent of the school shall be substituted for the chief inspector of reformatory and industrial schools as the person to whom notice of any change of address of a parent or other person against whom a contribution order has been made is to be given :

(2) A certificate purporting to be under the hand of the superintendent or other officer of the school specially authorised by the managers for that purpose, stating that any sum due from a parent or other person for the maintenance of a youthful offender or child is overdue and unpaid, shall be evidence of the facts stated therein.

Tenure of office by certain officers and servants of the London County Council.

91. Notwithstanding the repeal by this Act of the Middlesex Industrial Schools Acts the officers and servants appointed under those Acts who became at the passing of the Local Government Act, 1888, officers and servants of the London County Council, and who held office at the passing of this Act, shall hold their offices by the same tenure and upon the same terms and conditions as if this Act had not passed,

and while performing the same duties shall receive not less salaries or remuneration, and be entitled to not less pensions (if any), than they would have if this Act had not passed. A.D. 1908.

92. The provisions of this Part of this Act with respect to youthful offenders and children detained in certified schools, except such as impose obligations on local authorities with respect to their maintenance, shall apply to youthful offenders and children detained in certified schools at the commencement of this Act in pursuance of any enactment repealed by this Act in like manner as if they were so detained in pursuance of this Act, but nothing in this Act shall affect any obligation undertaken by, or liability imposed on, any local authority before the commencement of this Act with respect to any such youthful offender or child, or prevent any local authority from continuing to make any contribution which they were making before the commencement of this Act. Application of Part IV.

93.—(1) Where, under any law of the Isle of Man or any of the Channel Islands, it is lawful to sentence a young person to be sent to a reformatory or industrial school in Great Britain, and provision is made under any such law to the satisfaction of the Secretary of State— Provisions as to the Isle of Man and Channel Islands.

- (i) For the expenses of the conveyance of such young person to the school to which he is sent, and for his reconveyance on his discharge from such school to the Isle of Man or the Channel Islands as the case may be ; and
- (ii) For the expenses of the maintenance of such young person at such school ; and
- (iii) For the contribution (if any) to be made by the parent or person legally liable to maintain the child so sent, and the mode in which such contribution is to be raised ;

the Government of the Isle of Man, with the assent of the Secretary of State and with the approval of the Tynwald Court, or the Government of any of the Channel Islands, as the case may be, may contract with the managers of any reformatory or industrial school in Great Britain for the reception of young persons sentenced to be sent to any such school by justices or a court in the Isle of Man or the Channel Islands.

(2) A young person sentenced as aforesaid in the Isle of Man or the Channel Islands to be sent to a reformatory or industrial school in Great Britain may be conveyed in the custody of any constable or other person acting under a warrant issued by any competent justices or court in the Isle of Man or the Channel Islands, as the case may be, to the school to which he is sentenced to be sent, and he shall during his conveyance to that school be deemed to be in legal custody, both on sea and on land, and when delivered up to the managers of the school to which he is sent he may thenceforth be dealt with in the same manner and be subject to this Part of this Act in the

A.D. 1908. — same way as if he had been sent to such school by a court in the United Kingdom.

(3) In the construction of this section, as respects the Isle of Man, the expression "justices" means two justices or a high bailiff sitting as a court of summary jurisdiction, and the expression "a court" means the court of general gaol delivery, or a judge of the High Court of Justice of the Isle of Man.

In the construction of this Part of this Act for the purposes of this section—

The expressions "youthful offender" and "child" include young person ;

The expressions "court of assize," "court of quarter sessions," "circuit court of justiciary," "sheriff," mean, as respects the Isle of Man, the court of general gaol delivery, or a judge of the High Court of Justice of the Isle of Man ;

The expressions "sentence" and "sentenced" include "order" and "ordered."

PART V.

JUVENILE OFFENDERS.

Bail of children and young persons arrested.

94. Where a person apparently under the age of sixteen years is apprehended with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which such person is brought, shall inquire into the case and may in any case, and shall—

(a) unless the charge is one of homicide or other grave crime ; or

(b) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute ; or

(c) unless the officer has reason to believe that the release of such person would defeat the ends of justice,

release such person on a recognizance, with or without sureties, for such an amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge, being entered into by him or by his parent or guardian.

Custody of children and young persons not discharged on bail after arrest.

95. Where a person apparently under the age of sixteen years having been apprehended is not so released as aforesaid, the officer of police shall cause him to be detained in a place of detention provided under this Part of this Act until he can be brought before a court of summary jurisdiction, unless the officer certifies—

(a) that it is impracticable to do so ; or

(b) that he is of so unruly a character that he cannot be safely so detained ; or

(c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him ;
 and the certificate shall be produced to the court before which the person is brought.

A.D. 1908.

96. It shall be the duty of the police authority to make arrangements for preventing, so far as practicable, a child or young person while being detained in a police station from associating with an adult, other than a relative, charged with an offence.

Association with adults, during detention in police stations.

97.—(1) A court of summary jurisdiction, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Part of this Act and named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law :

Remand or committal to custody in place of detention.

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court of summary jurisdiction acting in or for the place in or for which the court which made the order acted, and if it is revoked the young person may be committed to prison.

98.—(1) Where a child or young person is charged with any offence, or where a child is brought before a petty sessional court on an application for an order to send him to a certified industrial school, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance at court of parent of child or young person charged with an offence, &c.

(2) Where the child or young person is arrested, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section twenty-nine of the Summary Jurisdiction Act,

42 & 43 Vict.
c. 49.

A.D. 1908. 1879, for applying, with the necessary adaptations and modifications, such of the provisions of the Summary Jurisdiction Acts and the Indictable Offences Act, 1848, as appear appropriate for the purpose, and such rules may provide for a summons to a child or young person including a summons to his parent or guardian.

11 & 12 Vict.
c. 42.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court of justice.

Power to order
parent to pay
fine, &c., in-
stead of child
or young per-
son.

99.—(1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages, or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court of summary jurisdiction thinks that a charge against a child or young person is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour, without proceeding to the conviction of the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(6) A parent or guardian may appeal against an order under this section—

(a) if made by a court of summary jurisdiction to a court of quarter sessions; and

(b) if made by a court of assize or a court of quarter sessions to the Court of Criminal Appeal in accordance with the Criminal Appeal Act, 1907, as if the parent or guardian against whom the order was made had been convicted on indictment, and the order were a sentence passed on his conviction.

A.D. 1908.

7 Edw. 7. c. 23.

100. The conviction of a child or young person shall not be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

Removal of disqualifications attaching to felony.

101. Where a child or young person is himself ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine, and (except so far as the court may think fit expressly to order otherwise) all fees payable or paid by the informant in excess of the amount of costs so ordered to be paid shall be remitted or repaid to him, and the court may also order the fine or any part thereof to be paid to the informant in or towards the payment of his costs.

Limitation of costs.

102.—(1) A child shall not be sentenced to imprisonment or penal servitude for any offence, or committed to prison in default of payment of a fine, damages, or costs.

Restrictions on punishment of children and young persons.

(2) A young person shall not be sentenced to penal servitude for any offence.

(3) A young person shall not be sentenced to imprisonment for an offence or committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that the young person is of so unruly a character that he cannot be detained in a place of detention provided under this Part of this Act, or that he is of so depraved a character that he is not a fit person to be so detained.

103. Sentence of death shall not be pronounced on or recorded against a child or young person, but in lieu thereof the court shall sentence the child or young person to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the Secretary of State may direct, and whilst so detained shall be deemed to be in legal custody.

Abolition of death sentence in case of children and young persons.

104. Where a child or young person is convicted on indictment of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, and the court is of opinion that no punishment which under the provisions of this Act it is authorised to inflict is sufficient, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence is passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Secretary of State

Detention in the case of certain crimes committed by children or young persons.

A.D. 1908. may direct, and whilst so detained shall be deemed to be in legal custody.

Provisions as to discharge of children and young persons detained in accordance with directions of Secretary of State.

105.—(1) A person in detention pursuant to the directions of the Secretary of State under the last two foregoing sections of this Act may, at any time, be discharged by the Secretary of State on licence.

(2) A licence may be in such form and may contain such conditions as the Secretary of State may direct.

(3) A licence may at any time be revoked or varied by the Secretary of State, and where a licence has been revoked the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Substitution of custody in place of detention for imprisonment.

106. Where a child or young person is convicted of an offence punishable, in the case of an adult, with penal servitude or imprisonment, or would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, and the court considers that none of the other methods in which the case may legally be dealt with is suitable, the court may, in lieu of sentencing him to imprisonment or committing him to prison, order that he be committed to custody in a place of detention provided under this Part of this Act and named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Part of this Act, be sentenced to imprisonment or committed to prison, nor in any case exceeding one month.

Methods of dealing with children and young persons charged with offences.

107. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether—

- (a) by dismissing the charge ; or
- (b) by discharging the offender on his entering into a recognizance ; or
- (c) by so discharging the offender and placing him under the supervision of a probation officer ; or
- (d) by committing the offender to the care of a relative or other fit person ; or
- (e) by sending the offender to an industrial school ; or
- (f) by sending the offender to a reformatory school ; or
- (g) by ordering the offender to be whipped ; or
- (h) by ordering the offender to pay a fine, damages, or costs ; or
- (i) by ordering the parent or guardian of the offender to pay a fine, damages, or costs ; or
- (j) by ordering the parent or guardian of the offender to give security for his good behaviour ; or

- (*k*) by committing the offender to custody in a place of detention provided under this Part of this Act; or
- (*l*) where the offender is a young person, by sentencing him to imprisonment; or
- (*m*) by dealing with the case in any other manner in which it may be legally dealt with :

Provided that nothing in this section shall be construed as authorising the court to deal with any case in any manner in which it could not deal with the case apart from this section.

108.—(1) It shall be the duty of every police authority to provide such places of detention for every petty sessional division within their district as may be required for the purposes of this Act, either by arranging with the occupiers of any premises whether within or without their district for the use of those premises for the purpose, or by themselves establishing or joining with another police authority in establishing such places; but nothing shall prevent the same place of detention being provided for two or more petty sessional divisions.

Provision of
places of de-
tention.

(2) If more than one place of detention is provided for any petty sessional division, the police authority may determine that any such place shall be used for some only of the purposes for which places of detention are required to be provided and another place for the other purposes.

(3) Before arranging for the use of any premises as aforesaid the police authority shall satisfy themselves of the fitness of the occupier thereof to have the custody and care of children or young persons committed to, or detained in, custody under this Part of this Act, and of the suitability of the accommodation provided by him.

(4) It shall be lawful for the authority or persons responsible for the management of any institution other than a prison, whether supported out of public funds or by voluntary contributions, but subject in the case of an institution supported out of public funds to the consent of the Government department concerned, to agree with the police authority for the use of the institution or any part thereof as a place of detention on such terms as may be agreed upon between them and the police authority.

(5) The police authority shall keep a register of the places of detention provided by them for each petty sessional division, and the register shall contain a description of the premises, the names of the occupiers thereof, and the number of children or young persons who may be detained in custody in the several premises, and no child or young person shall be detained in custody in any place which is not so registered.

(6) A copy of the register shall be kept at every court house and police station within the area to which it relates.

(7) The registered occupier of any registered place of detention shall be responsible for the custody of the children and young persons detained in that place, and, if at any time he appears to be unfit or refuses to receive any child or young

A.D. 1908. person committed to custody in that place, or brought to that place for custody until he can be brought before a court of summary jurisdiction, the police authority may remove from the register the premises of which he is the registered occupier.

(8) In selecting the place of detention to which a child or young person is to be committed the court or officer of police shall have regard, where practicable, to the religious persuasion of the child or young person.

(9) Where it is intended to bring a person before a petty sessional court as coming, or as being a person who, if a child, would come, within one of the descriptions mentioned in subsection one of section fifty-eight of this Act, and it is necessary that accommodation should be temporarily provided for him, a place of detention may be used for his accommodation until he can be brought before such a court in like manner as if he had been apprehended.

(10) A police authority shall proceed to exercise the powers conferred on them by this section as soon as may be after the commencement of this Act, but the obligation to provide such places of detention as may be required for the purposes of this Act shall not become operative until the first day of January nineteen hundred and ten.

(11) In the metropolitan police district the powers and duties conferred and imposed on a police authority under this section shall be exercised and performed, as respects London by the London County Council, as respects a county borough by the council of the borough, and elsewhere by the standing joint committee of the county.

(12) The Local Government Board may by order transfer from the Metropolitan Asylums Board to the London County Council any buildings provided by the Metropolitan Asylums Board for the purpose of remand homes under section four of the Youthful Offenders Act, 1901, together with any liabilities incurred by the Metropolitan Asylums Board in connection with such buildings, and on such transfer the buildings shall become places of detention for the purposes of this Part of this Act, and the order may also provide for the transfer of any officers employed by the Metropolitan Asylums Board in connection with such remand homes, and for securing to such officers any rights as to pension or otherwise to which they may be entitled.

Provisions as to custody of children and young persons in places of detention.

109.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a place of detention provided under this Part of this Act shall be delivered with the child or young person to the person in charge of the place of detention and shall be a sufficient authority for his detention in that place in accordance with the tenour thereof.

(2) A child or young person whilst so detained and whilst being conveyed to and from the place of detention shall be deemed to be in legal custody, and if he escapes may be

apprehended without warrant and brought back to the place of detention in which he was detained. A.D. 1908.

(3) The Secretary of State shall cause places of detention provided under this Part of this Act to be inspected, and may make rules as to the places to be used as places of detention, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a place of detention provided under this Part of this Act, and for the children and young persons whilst so detained being visited from time to time by persons appointed in accordance with those rules.

110.—(1) The expenses incurred by the police authority in respect of any place of detention provided by the authority, including the expenses of the maintenance of any child or young person detained therein, whether detained on apprehension or committed to custody on remand or commitment for trial or in lieu of imprisonment or in default of payment of a fine, damages, or costs, shall be defrayed out of the police fund of the police authority by which the place is provided. Expenses of maintenance of child or young person.

(2) There shall be paid, out of money provided by Parliament, towards the cost of maintaining any child or young person so committed to custody on remand or commitment for trial or in lieu of imprisonment or in default of payment of a fine, damages, or costs, such contributions as may be fixed by regulations made by the Secretary of State with the approval of the Treasury, and the sums so paid shall be applied in repayment of the sums paid out of the police fund in respect of that child or young person.

(3) This section shall apply as respects the metropolitan police district with the substitution of references to the London County Council, the standing joint committee of a county, or the council of a county borough for references to the police authority, and of references to the county fund or the borough fund or borough rate for references to the police fund.

111.—(1) A court of summary jurisdiction when hearing charges against children or young persons, or when hearing applications for orders or licences relating to a child or young person at which the attendance of the child or young person is required, shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held, and a court of summary jurisdiction so sitting is in this Act referred to as a juvenile court. Juvenile courts.

(2) Where in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of sixteen years or upwards, or where in the course of any proceedings in any court of summary jurisdiction other than a juvenile court it appears that the person charged or to whom the proceedings relate is under the

A.D. 1908. age of sixteen years, nothing in this section shall be construed as preventing the court if it thinks it undesirable to adjourn the case from proceeding with the hearing and determination of the case.

(3) Provision shall be made for preventing persons apparently under the age of sixteen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from associating with adults charged with any offence other than an offence with which the person apparently under the age of sixteen years is jointly charged.

(4) In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend:

Provided that bonâ fide representatives of a newspaper or news agency shall not be excluded.

2 & 3 Vict.
c. 47.
3 & 4 Vict.
c. 84.

(5) His Majesty may by Order in Council under the Metropolitan Police Courts Acts, 1839 and 1840, provide for the establishment of one or more separate juvenile courts for the metropolitan police court district and for assigning as a division to each such court such portion of that district as may be specified in the order, and where such an order is made the London County Council shall, if so required by the Secretary of State, provide the necessary accommodation for the purpose at any place of detention provided by the Council upon such terms as to payment and otherwise as may be agreed between the Secretary of State and the Council, or, in default of agreement, as may be settled by the Treasury.

(6) Where it is proved to the satisfaction of the Secretary of State that arrangements cannot be made for the purpose of complying with this section in any place by the first day of April, nineteen hundred and nine, the Secretary of State may by order postpone the coming into operation of this section as respects that place until such date, not later than the first day of January, nineteen hundred and ten, as may be specified in the order.

Temporary saving of power to imprison children and young persons.

112. The provisions of this Part of this Act prohibiting or restricting a child or young person from being committed to prison on remand or commitment for trial or in default of payment of a fine, damages, or costs, or being sentenced to imprisonment shall not come into operation until the first day of January nineteen hundred and ten, but nothing in this provision shall be construed as preventing the court from committing or sentencing a child or young person to custody in a place of detention before that date in any case where a place of detention has been provided.

Saving for pending proceedings.

113. This Part of this Act shall not apply in the case of any proceedings instituted before the first day of April nineteen hundred and nine.

PART VI.

A.D. 1908.

MISCELLANEOUS AND GENERAL.

Miscellaneous.

114. In addition and without prejudice to any powers which a court may possess to hear proceedings in *camerâ* the court may, where a person who, in the opinion of the court, is a child or young person is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of the child or young person: Provided that nothing in this section shall authorise the exclusion of *bonâ fide* representatives of a newspaper or news agency.

Power to clear court whilst child or young person is giving evidence in certain cases.

115. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any person charged with an offence, or during any proceedings preliminary thereto, and if so present he shall be ordered to be removed, unless he is the person charged with the alleged offence, or during such time as his presence is required as a witness or otherwise for the purposes of justice:

Prohibition on children being present in court during the trial of other persons.

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

116.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX. of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

Prohibition of purchase of old metals from persons under sixteen.
34 & 35 Vict. c. 112.
57 & 58 Vict. c. 60.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

117. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872, but nothing in that Act nor in this section shall affect section fifty of the Metropolitan Police Act, 1839.

Prohibition against taking pawns from persons under fourteen.
35 & 36 Vict. c. 93.
2 & 3 Vict. c. 47.

118.—(1) If a person habitually wanders from place to place and takes with him any child above the age of five, he shall, unless he proves that the child is totally exempted from school attendance or that the child is not by being so taken with him prevented from receiving efficient elementary education, be

Penalty on vagrants preventing children receiving education.

A.D. 1908. liable on summary conviction to a fine not exceeding with costs twenty shillings, and shall, for the purposes of the provisions of this Act relating to the descriptions of children who may be sent to a certified industrial school, be deemed not to be exercising proper guardianship over the child :

40 & 41 Vict.
c. 60. Provided that this provision shall not apply to a child in a canal boat for whose education provision is made under the Canal Boats Act, 1877, as amended by any subsequent enactment.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of Part II. of this Act, and that Part shall apply accordingly as if an offence under this section were an offence under that Part.

(3) Without prejudice to the requirements of the Education Acts, 1870 to 1907, as to school attendance or to proceedings thereunder, this section shall not apply during the months of April to September, inclusive, to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, and who has obtained a certificate of having made not less than two hundred attendances at a public elementary school during the months of October to March immediately preceding, and the power of the Board of Education to make regulations with respect to the issue of certificates of due attendance for the purposes of the Education Acts, 1870 to 1907, shall include a power to make regulations as to the issue of certificates of attendance for the purposes of this section.

Penalty on giving intoxicating liquor to children.

119. If any person gives, or causes to be given, to any child under the age of five any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, or apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

Exclusion of children from bars of licensed premises.

120.—(1) The holder of the licence of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises, except during the hours of closing.

(2) If the holder of a licence acts in contravention of this section, or if any person causes or procures, or attempts to cause or procure, any child to go to or to be in the bar of any licensed premises except during the hours of closing, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises, except during the hours of closing, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he has used due diligence to prevent the

child being admitted to the bar or that the child was apparently a person over the age of fourteen. A.D. 1908.

(4) Nothing in this section shall apply in the case of any child of the licence-holder or in the case of a child who is resident but not employed in the licensed premises or who is in the bar of licensed premises solely for the purpose of passing through in order to obtain access to, or egress from, some other part of the premises, not being a bar, where there is no other convenient means of access to, or egress from, that part of the premises, or in the case of railway refreshment rooms or other premises constructed, fitted, and intended to be used in good faith for any purpose to which the holding of a licence is merely auxiliary.

(5) In this section the bar of licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor, and the expressions "licence" and "licensed premises" have the same meaning as in the Licensing Acts, 1828 to 1906.

121.—(1) Where an entertainment for children or any entertainment at which the majority of the persons attending are children is provided, and the number of children who attend the entertainment exceeds one hundred, and access to any part of the building in which children are accommodated is by stairs, it shall be the duty of the person who provides the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to any such part of the building than that part can properly accommodate, and to control the movement of the children and other persons admitted to any such part whilst entering and leaving, and to take all other reasonable precautions for the safety of the children. Safety of children at entertainments.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person, on whom any obligation is imposed by this section, fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence, fifty pounds, and in the case of a second or subsequent offence, one hundred pounds, and also, if the building in which the entertainment is given is licensed under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by which the licence was granted.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided with a view to seeing whether the provisions of this section are carried into effect.

(5) It shall be the duty of the council of the county or county borough in which a building in which any contravention of the

A.D. 1908. — provisions of this section is alleged to have taken place to institute proceedings under this section if the building is a building licensed by the Lord Chamberlain, or is licensed by the council of the county or county borough under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, and in any other case it shall be the duty of the police authority to institute such proceedings.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

Cleansing of
verminous
children.

122.—(1) A local education authority may direct their medical officer, or any person provided with and, if required, exhibiting the authority in writing of their medical officer, to examine in any public elementary school provided or maintained by the authority the person and clothing of any child attending the school, and, if on examination the medical officer, or any such authorised person as aforesaid, is of opinion that the person or clothing of any such child is infected with vermin or is in a foul or filthy condition, the local education authority may give notice in writing to the parent or guardian of, or other person liable to maintain, the child, requiring him to cleanse properly the person and clothing of the child within twenty-four hours after the receipt of the notice.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within such twenty-four hours, the medical officer, or some person provided with and, if required, exhibiting the authority in writing of the medical officer, may remove the child referred to in the notice from any such school, and may cause the person and clothing of the child to be properly cleansed in suitable premises and with suitable appliances, and may, if necessary for that purpose, without any warrant other than this section, convey to such premises and there detain the child until the cleansing is effected.

(3) Where any sanitary authority within the district of a local education authority have provided, or are entitled to the use of, any premises or appliances for cleansing the person or clothing of persons infested with vermin, the sanitary authority shall, if so required by the local education authority, allow the local education authority to use such premises and appliances for the purpose of this section upon such payment (if any) as may be agreed between them or, in default of agreement, settled by the Local Government Board.

(4) Where, after the person or clothing of a child has been cleansed by a local education authority under this section, the parent or guardian of, or other person liable to maintain, the child allows him to get into such a condition that it is again necessary to proceed under this section, the parent, guardian, or other person shall, on summary conviction, be liable to a fine not exceeding ten shillings.

(5) Where a local education authority give notice under this section to the parent or guardian of, or other person liable to

maintain, a child, requiring him to cleanse the person and clothing of the child, the authority shall also furnish him with written instructions describing the manner in which the cleansing may best be effected. A.D. 1908.

(6) The examination and cleansing of girls under this section shall only be effected by a duly qualified medical practitioner or by a woman duly authorised as herein-before provided.

(7) For the purposes of this section "medical officer" means any officer appointed for the purpose of section thirteen of the Education (Administrative Provisions) Act, 1907. 7 Edw. 7. c. 43.

General.

123.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, that person shall for the purposes of this Act be deemed not to be a child or young person. Presumption and determination of age.

(2) Where in a charge or indictment for an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or above any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or above the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or above that age, as the case may be, unless the contrary is proved.

(3) Where in any charge or indictment for an offence under this Act or any of the offences mentioned in the First Schedule to this Act it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it

A.D. 1908. shall be a defence to prove that the person was actually of or over that age.

Evidence of wages of defendant.

124. In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by the employer, or by any responsible person in his employ, shall be *prima facie* evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid.

Provision as to contribution orders.

125. The persons liable to maintain a youthful offender, young person, or child, against whom an order to contribute to the maintenance of the youthful offender, young person, or child may be made under this Act shall include his step-parent, and, if the court having cognizance of the case thinks fit, a person cohabiting with his mother, whether or not the person so cohabiting is his putative father, and in the case of illegitimacy his putative father :

Provided that where the youthful offender, young person, or child is illegitimate and an affiliation order for his maintenance has previously been made on the application of his mother under the enactments relating to bastardy, the court shall not (unless in view of the special circumstances of the case the court thinks it desirable) make an order for contribution against the putative father, but may order the whole or any part of the payments accruing due under the affiliation order to be made to the chief inspector of reformatory and industrial schools or such other person as may be named in the order, to be applied by him towards the maintenance of the youthful offender, young person, or child.

Reception and maintenance of children and young persons in workhouses.

126. Boards of Guardians shall provide for the reception of children and young persons brought to a workhouse in pursuance of this Act, and, where the place to which under this Act a child or young person is authorised to be taken is a workhouse, the master shall receive the child or young person into the workhouse if there is suitable accommodation therein, and any expenses incurred in respect of the child or young person shall be paid out of the common fund.

Variation of trusts for maintenance of child or young person.

127.—(1) Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court may order the whole or any part of the sums so payable under the trust to be paid to the person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

(2) An appeal shall lie from an order of a court of summary jurisdiction under this section to quarter sessions.

128.—(1) In the definitions of “child” and “young person” in the Summary Jurisdiction Act, 1879, “fourteen years” shall be substituted for “twelve years.”

A.D. 1908.

Amendment of
42 & 43 Vict.
c. 49.

(2) The First Schedule to the Summary Jurisdiction Act, 1879, shall include the offence mentioned in the Second Schedule to this Act in the same manner as if that schedule formed part of the First Schedule to the Summary Jurisdiction Act, 1879 :

Provided that where a court of summary jurisdiction deals with such an offence summarily under section twelve of that Act the maximum term of imprisonment which the court may inflict shall be six instead of three months.

129. All orders of a court of summary jurisdiction, whether a petty sessional court or not, under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary Jurisdiction Acts, and the power of making rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

Application of
Summary
Jurisdiction
Acts.

130. An Order in Council under this Act may be revoked or varied by any subsequent Order in Council.

Variation of
Orders in
Council.

131. For the purposes of this Act unless the context otherwise requires—

General defini-
tions.

The expression “child” means a person under the age of fourteen years ;

The expression “young person” means a person who is fourteen years of age or upwards and under the age of sixteen years ;

The expression “guardian,” in relation to a child, young person, or youthful offender, includes any person who, in the opinion of the court having cognizance of any case in relation to the child, young person, or youthful offender, or in which the child, young person, or youthful offender is concerned, has for the time being the charge of or control over the child, young person, or youthful offender ;

The expression “legal guardian,” in relation to an infant, child, young person, or youthful offender, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction ;

The expression “place of safety” means any workhouse or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive an infant, child, or young person ;

The expression “common council” means the mayor, aldermen, and commons of the city of London in common council assembled ;

The expression “local education authority” means a local education authority for the purpose of Part III. of the Education Act, 1902 ;

- A.D. 1908. — The expressions “ police authority ” and “ police fund ” as respects the City of London mean the Common Council and the fund out of which the expenses of the city police are defrayed, and elsewhere have the same meanings as in the Police Act, 1890 ;
- The expression “ common fund ” means, as respects a poor law union consisting of a single parish, the poor rate of that parish ;
- The expression “ street ” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not ;
- The expression “ public place ” includes any public park, garden, sea beach, or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise ;
- The expression “ intoxicating liquor ” means any fermented, distilled, or spirituous liquor which cannot according to any law for the time being in force be legally sold without a licence from the Commissioners of Inland Revenue.

Application to
Scotland.

132. This Act in its application to Scotland shall be subject to the following modifications :—

- (1) The Secretary for Scotland shall, in this Act and any local Act relating to reformatory or industrial schools in Scotland, be substituted for the Secretary of State, but this substitution shall not apply to the provision of this Act conferring powers to appoint a chief inspector and other inspectors of reformatory and industrial schools, unless and until any such powers are transferred to the Secretary for Scotland by order of the Secretary of State, which he is hereby empowered to make with the concurrence of the Treasury and the Secretary for Scotland, and upon any such order being made such powers shall to the extent specified in the order be transferred to and may be exercised by the Secretary for Scotland :
- (2) The Local Government Board for Scotland shall be substituted for the Local Government Board and shall, for the purposes of Part I. of this Act, have the same powers of making inquiries, calling for returns, and applying to the Court of Session as they have for the purposes of the Poor Law (Scotland) Act, 1845 :
- (3) The Scotch Education Department shall be substituted for the Board of Education :
- (4) The High Court of Justiciary shall be substituted for a court of assize :
- (5) The procurator fiscal shall be substituted for the coroner, and an inquiry by him into the cause of death for an inquest :

87 & 9 Vict.
c. 83.

- (6) The poorhouse and the person in charge thereof shall be substituted for the workhouse and the master thereof: A.D. 1908.
- (7) Parish council shall be substituted for board of guardians and for guardians of a poor law union:
- (8) Poor rate shall be substituted for common fund and for common fund of a union:
 Provided that where under this Act expenses incurred in respect of a child or young person brought to a poorhouse are payable out of the common fund, such expenses shall form part of the establishment charges of the poorhouse:
- (9) The expressions "court of summary jurisdiction" and "petty sessional court" in Part I. and Part II. and in subsection seven of section seventy-four of this Act mean the sheriff, and elsewhere mean the sheriff or any two or more justices of the peace or any magistrate or magistrates, by whatever name called, officiating under the provisions of any general or local police Act (provided that where under any local Act a magistrate had jurisdiction before the commencement of this Act for any purposes of the Prevention of Cruelty to Children Act, 1904, he shall have jurisdiction for the like purposes of Part II. of this Act), and the expression "justice" occurring in this Act in reference to one justice of the peace includes the sheriff and any such magistrate: 4 Edw. 7. c. 15.
- (10) "Misdemeanour" means crime and offence; "manslaughter" means culpable homicide; "affiliation order" means decree for aliment; "attached" means arrested; "information" and "summons" mean complaint or indictment, as the case may be; "local education authority" means school board; "elementary education" means education; "London Gazette" means "Edinburgh Gazette": and in the definition of the expression "street" the word "passage" includes common close, or common stair, or common passage:
- (11) The expression "in accordance with the byelaws in force in the place where he resides" means "in such regular manner as is specified in the licence":
- (12) The expression "a justice having jurisdiction in the place where the court which made the order sat" and any similar expression means "the court which made the order or any member thereof or any other court having jurisdiction in the place where the court which made the order sat":
- (13) References to an informant, to a petty sessional division, to an appeal to a court of quarter sessions or to the Court of Criminal Appeal, and to the enactments relating to bastardy shall not apply: Provided that in subsection four of section seventy-four the expression

A.D. 1908.

“ court of quarter sessions ” means the sheriff sitting with a jury :

- (14) References to a remand or to remanding a person shall be construed as references to an adjournment of the proceedings and to an order of the court respecting the detention in custody of a person during any such adjournment, and references to release on recognizance shall be construed as references to liberation on bail, or liberation without bail on a verbal obligation to appear at any diet of court, or liberation on bond of caution, as the case may require :
- (15) The expression “ by distress ” means under a warrant of poinding and sale :
- (16) The expressions “ police authority ” and “ police fund ” have the same meanings as in the Police (Scotland) Act, 1890 : Provided that, in the case of a royal, parliamentary, or police burgh, the expression “ police authority,” where occurring in section fifty-eight and in section one hundred and twenty-one of this Act, means the town council ; and provided further that, where in any such burgh expenses chargeable to the police fund or as part of the current expenses of a police authority would, under the existing law, be payable out of the burgh general assessment, expenses so chargeable under the provisions of this Act shall be defrayed as expenses incurred by a town council under section seventy-four of this Act :
- (17) References to the computation of time mentioned in the Poor Removal Act, 1846, shall be construed as references to any computation of time for the purpose of ascertaining the settlement of any pauper ; references to the Education Acts, 1870 to 1907, and references to the Education (Administrative Provisions) Act, 1907, and to any section thereof, as references to the Education (Scotland) Acts, 1872 to 1893, and any Act amending the same ; and references to section twenty-nine of the Summary Jurisdiction Act, 1879, as references to section thirty-three of the Summary Procedure (Scotland) Act, 1864, and references in section one hundred and nineteen and section one hundred and twenty to a licence, to licensed premises, and to intoxicating liquor, respectively, as references to a certificate, to certificated premises, and to excisable liquor, within the meaning of the Licensing (Scotland) Act, 1903 :
- (18) A reference to the Elementary Education Act, 1876, and to section twelve thereof shall be construed as a reference to the Education (Scotland) Act, 1883, and to section nine thereof, or to the Day Industrial Schools (Scotland) Act, 1893, and to section four thereof, or to any Act and section amending the same respec-

53 & 54 Vict.
c. 67.9 & 10 Vict.
c. 66.

7 Edw. 7. c. 43.

42 & 43 Vict.
c. 49.27 & 28 Vict.
c. 53.

3 Edw. 7. c. 25.

39 & 40 Vict.
c. 79.46 & 47 Vict.
c. 56.56 & 57 Vict.
c. 12.

tively, as the case may be; provided that the words "public or inspected school" shall be substituted for the words "certified efficient school within the meaning of the Elementary Education Act, 1876":

- (19) Every offence committed against this Act shall, except where inconsistent with the provisions of this Act, be tried and determined under the provisions of the Summary Jurisdiction (Scotland) Acts, and, in the event of an offender being convicted and failing to make payment of the penalty which may have been imposed immediately or within a specified period, he shall, except as aforesaid, be liable to imprisonment in accordance with the provisions of the said Acts:
- (20) A parish council may, with the approval of the Local Government Board for Scotland (and so long as that approval is not withdrawn), subscribe to the funds of an association or society for the prevention of cruelty to children:
- (21) In section seventy-four of this Act the expression "county burgh" means a burgh or police burgh within the meaning of the Local Government (Scotland) Act, 1889, which has or is entitled to have a separate police force, and all other burghs and police burghs shall for the purposes of the said section be held to be within the county.

A.D. 1908.

52 & 53 Vict.
c. 50.

The expenses incurred by a county council under the said section shall be defrayed out of the general purposes rate: Provided that, notwithstanding anything contained in the Local Government (Scotland) Act, 1889, the ratepayers of a police burgh having or entitled to have a separate police force shall not be assessed by the county council for any such expenses, and provided further that, with respect to every burgh within the meaning of the Local Government (Scotland) Act, 1889, which has not and is not entitled to have a separate police force, subsection three and subsection four of section sixty and section sixty-six of the last-mentioned Act shall so far as applicable have effect as if such expenses were expenditure therein mentioned; the expenses incurred by a town council shall be defrayed out of the burgh general improvement assessment, or any other assessment leviable in equal proportions on owners and occupiers, but shall not be reckoned in any calculation as to the statutory limit of any such assessment; and the expenses incurred by a school board shall be paid out of the school rate or school fund.

52 & 53 Vict.
c. 50.

A local authority may borrow for the purposes authorised in the said section on the security of the said respective assessments or rates, if a county council, under and in accordance with the provisions

A.D. 1908.

52 & 53 Vict.
c. 50.
55 & 56 Vict.
c. 55.

of the Local Government (Scotland) Act, 1889, and any Act amending the same; if a town council, under and in accordance with the provisions of section three hundred and seventy-four of the Burgh Police (Scotland) Act, 1892, as amended by any subsequent Act, or of the corresponding provision of any local police Act; and if a school board, under and in accordance with the provisions of the Education (Scotland) Acts, 1872 to 1893, and any Act amending the same; and subsection fourteen of the said section of this Act shall apply accordingly, with the substitution of the Acts herein-before mentioned for the Acts in that subsection mentioned: Provided that the period within which the money so borrowed is to be repaid shall be such period not exceeding sixty years as the Secretary for Scotland, or in the case of a school board the Scotch Education Department, shall sanction.

60 & 61 Vict.
c. 38.

A local authority may acquire land for the purposes authorised in the said section of this Act as a local authority under the Public Health (Scotland) Act, 1897, may acquire land for the purposes of that Act, and subsection twelve of the said section of this Act shall apply accordingly, with the substitution of the Public Health (Scotland) Act, 1897, for the Acts in that subsection mentioned:

7 Edw. 7. c. 17.

(22) In addition to any other register required by law, a separate register of convicted juvenile offenders and of juvenile offenders discharged on recognizance or put on probation under the Probation of Offenders Act, 1907, shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions. The register shall apply to offenders of such age, and shall include such particulars, as may be directed by the Secretary for Scotland, and it shall be the duty of the keeper of the register, within seven days after any such offender has been dealt with by the court, to transmit a copy of the entry relating to the offender to the clerk of the school board for the burgh or parish in which the offender resides:

(23) Subsection two of section nine, section twenty-eight, section twenty-nine, section thirty, section thirty-five, section thirty-six, subsection thirteen of section seventy-four, and subsection three of section eighty-two of this Act shall not apply to Scotland:

41 & 42 Vict.
c. cxxi.
59 & 60 Vict.
c. xxxv.

(24) Subject to the provisions herein-after contained, nothing in this Act shall be construed to repeal, alter, prejudice, or affect any of the provisions of the Glasgow Juvenile Delinquency Prevention and Repression Acts, 1878 and 1896 (herein-after referred to as the Glasgow Acts), and the Commissioners and the directors acting

under the Glasgow Acts shall continue to have the full rights, privileges, and powers at present competent to them: Provided, nevertheless, that the Secretary for Scotland may, by order under his hand, provide for altering, amending, or adapting the Glasgow Acts so as to provide (a) for the retiral of the existing directors, for the re-constitution of the board of directors, for the election of new directors, for subsequent elections of directors, for the annual retiral of one-third or other proportion of the directors, and for supplying vacancies arising from time to time; (b) for the assessments authorised to be levied under the Glasgow Acts being levied in the same manner as assessments for the expenses of a town council for the purposes of section seventy-four of this Act instead of as in the Glasgow Acts provided, and for the reduction of the maximum amount thereof, if thought proper, and for the application of the said assessments; (c) for authorising the said directors to grant securities over all lands and heritages vested in them, including school houses; (d) for raising the age up to which, under the Glasgow Acts, a child may, upon the request of the school board, if the court think it expedient, be sent to a certified day industrial school from thirteen years to fourteen years, and for providing that any order for payment of contributions by a parent under the Glasgow Acts shall be enforceable as a decree for aliment; and (e) for otherwise altering, amending, or adapting the provisions of the Glasgow Acts, as may seem to him necessary to make those provisions conform with the provisions of this Act, or to enable the powers under the Glasgow Acts to be exercised as if they were powers under this Act. Any such order may be revoked and varied by a subsequent order:

A.D. 1908.

- (25) The immediately preceding subsection shall apply to the Aberdeen Reformatories and Industrial Schools Act, 1885, as if it were herein re-enacted with the omission of the portions thereof under the headings (b), (c), and (d), and with the substitution of the last-mentioned Act for the Glasgow Acts.

48 & 49 Vict.
c. clxxii.

133. This Act in its application to Ireland shall be subject to the following modifications:—

Application to
Ireland.

- (1) The Chief Secretary shall be substituted for the Secretary of State:
- (2) The Dublin Gazette shall be substituted for the London Gazette:
- (3) For references to Orders in Council by His Majesty there shall be substituted references to Orders in Council by the Lord Lieutenant:

- A.D. 1908. — (4) The powers which may be exercised by His Majesty may be exercised as to Ireland by the Lord Lieutenant :
- 41 & 42 Vict. c. 52. (5) A court of summary jurisdiction constituted in accordance with the provisions of section two hundred and forty-nine of the Public Health (Ireland) Act, 1878, shall be substituted for a petty sessional court :
- 47 & 48 Vict. c. 19. (6) Section five of the Summary Jurisdiction over Children (Ireland) Act, 1884, which gives power to deal summarily with young persons by consent, shall extend to all indictable offences other than homicide, and accordingly in that section for the words "specified in the schedule to this Act" there shall be substituted the words "other than homicide" :
- 42 & 43 Vict. c. 49. (7) References to the Summary Jurisdiction Act, 1879, shall, save as otherwise provided in this subsection, be construed as references to the Summary Jurisdiction over Children (Ireland) Act, 1884, and the reference to section ten of the first-mentioned Act shall be construed as a reference to section four of the last-mentioned Act.
- 47 & 48 Vict. c. 19. The reference to the provisions of the first-mentioned Act with respect to recognizances to be of good behaviour shall be construed as a reference to the provisions of the Petty Sessions (Ireland) Act, 1851, with respect to recognizances to keep the peace.
- 14 & 15 Vict. c. 93. The reference to the First Schedule of the first-mentioned Act shall not apply.
- For the provisions of this Act giving power to make rules under the first-mentioned Act the following provision shall be substituted :—
- "The Lord Chancellor of Ireland may make rules regulating the procedure of courts of summary jurisdiction under this Act, and other matters incidental thereto, and all rules so made shall be laid as soon as may be before both Houses of Parliament" :
- 22 & 23 Vict. c. 52. (8) The Dublin Police Act, 1859, shall be substituted for the Metropolitan Police Courts Acts, 1839 and 1840 :
- 2 & 3 Vict. c. 71. (9) The Union Officers (Ireland) Superannuation Acts, 1865 and 1872, shall be substituted for the Superannuation (Metropolis) Act, 1866 :
- 3 & 4 Vict. c. 84. (10) For references to the Indictable Offences Act, 1848, there shall be substituted references to the Petty Sessions (Ireland) Act, 1851, and for references to particular provisions of the first-mentioned Act there shall be substituted references to the corresponding provisions of the last-mentioned Act :
- 29 & 30 Vict. c. 31. (11) The prohibition of the purchase of old metal from children and young persons shall not apply :
- 11 & 12 Vict. c. 42. (12) For the prohibition against taking any pawns from children the following provision shall be substituted :—
- 14 & 15 Vict. c. 93. "If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen

years, he shall be liable on summary conviction to a fine not exceeding ten pounds with the right of appeal in the manner provided by the Summary Jurisdiction Acts irrespective of the amount of the fine” : A.D. 1908.

- (13) Inspector of Reformatory and Industrial Schools in Ireland shall be substituted for Chief Inspector and Chief Inspector of Reformatory and Industrial Schools respectively, and Assistant Inspector of Reformatory and Industrial Schools in Ireland shall be substituted for Assistant Inspector :
- (14) In relation to a board of guardians “ funds of the union ” shall be substituted for “ common fund ” :
- (15) Any reference to the Poor Removal Act, 1846, to the Poor Law Act, 1879, to the Canal Boats Act, 1877, or to an order of affiliation shall not apply : 9 & 10 Vict. c. 66.
42 & 43 Vict. c. 54.
40 & 41 Vict. c. 60.
- (16) Any reference to the Criminal Appeal Act, 1907, or to an appeal to the Court of Criminal Appeal shall not apply : 7 Edw. 7. c. 23.
- (17) The provisions of this Act relating to children liable to be sent to industrial schools shall extend and apply to any child who is found destitute, being an orphan :
- (18) In the application of the provisions of Part IV. of this Act relating to the sending, removal, and transfer, respectively, of a youthful offender or child to and from a certified school, the following provision shall apply :
- “ Provided that a youthful offender or child who appears to belong to the Roman Catholic Church shall not be ordered to be sent, removed, or transferred to any school save to a certified school conducted in accordance with the doctrines of that church, and a youthful offender or child who does not appear to belong to the Roman Catholic Church shall not be ordered to be sent, removed, or transferred to any school conducted in accordance with the doctrines of that church :
- For the purposes of this section the youthful offender or child shall be deemed to belong to the religious persuasion to which his parents belong, and, in all cases where his parents do not belong to the same religious persuasion, or where the religious persuasion of his parents is unknown, the youthful offender or child shall be deemed to belong to the religious persuasion in which he appears to have been baptized or, that not appearing, to which he professes to belong ” :
- (19) The local authority for the purposes of Part IV. of this Act shall be the council of any county and the council of any county borough, both as respects a reformatory and as respects an industrial school, and the expenses incurred by a local authority under Part IV. of this

A.D. 1908.

Act shall be defrayed in the case of a county council out of the county fund, as a county at large charge, and in the case of a county borough council out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1907, as if incurred for sanitary purposes, or out of any other rate or fund which the Local Government Board for Ireland may on the application of the council approve, and land may be acquired by a local authority for the purposes of Part IV. of this Act as for the purposes of the Local Government (Ireland) Act, 1898, and the borrowing powers conferred on local authorities by Part IV. of this Act may be exercised, both as respects a reformatory and as respects an industrial school, in the case of a county council under the Local Government (Ireland) Act, 1898, and in the case of a county borough council under the Public Health (Ireland) Acts, 1878 to 1907 :

61 & 62 Vict.
c. 37.61 & 62 Vict.
c. 37.

- (20) For the provisions of this Act relating to the enforcement of an attendance order the following provision shall be substituted: "A court of summary jurisdiction constituted in accordance with the provisions of the Irish Education Act, 1892, may, if it thinks fit, on complaint of a school attendance committee made under section four of that Act for the purpose of enforcing an attendance order, order a child to be sent to a certified day industrial school, or, if it appears to the court that there is no such school suitable for the child, to a certified industrial school, either in addition to or without inflicting any fine under that section," and references in this Act to a "local education authority," where they occur in relation to day industrial schools or in relation to children sent to industrial schools at the instance of a local education authority, shall be construed as references to the school attendance committee appointed under the Irish Education Act, 1892, and the expression "area of any local education authority" shall mean any place to which that Act applies, and the expenses incurred and moneys received by a school attendance committee under this Act shall be defrayed and applied in like manner as expenses incurred and moneys received by that committee under that Act. Other references to a local education authority shall be construed as references to the council of the county or county borough, and references to a public elementary school shall be construed as references to a national school, and any reference to the Elementary Education Act, 1876, or to the Education Acts, 1870 to 1907, or any of those Acts, shall not apply :

55 & 56 Vict.
c. 42.55 & 56 Vict.
c. 42.39 & 40 Vict.
c. 79.

- (21) Any relief which can under this Act be given to the parent or other person ordered to contribute to the industrial training and meals of a child sent to a day industrial school shall be given by the board of guardians of the poor law union in which the parent or other person is resident, and shall be charged to the union : A.D. 1908.
- (22) An order made upon a parent or other person to contribute to the maintenance or expenses of a youthful offender or child under Part IV. of this Act and any other order enforceable in like manner may be enforced in the manner provided by section twenty-five of the Irish Reformatory Schools Act, 1868 :
- (23) Payments required by this Act to be made from the police fund of a district shall be made by the police authorities of the district, and those authorities shall be repaid in like manner as the said police fund, and the definitions of police authority and police fund in this Act shall not apply : 31 & 32 Vict.
c. 59.
- (24) The expression "petty sessional division" in the police district of Dublin metropolis shall mean that district, and elsewhere in Ireland shall mean the petty sessions district :
- (25) No licence shall be granted in respect of a child under the age of fourteen years detained in a certified school except upon the condition of the child attending regularly some national or other efficient school named in the licence, and being a school under the management of a manager belonging to the religious persuasion to which the child belongs :
- (26) A board of guardians may, with the consent of the Local Government Board for Ireland, contribute to the funds of any society or body corporate for the prevention of cruelty to children :
- (27) The expression "managers of a district poor law school" in Part IV. of this Act means the board of management of a school for any two or more unions established under the Poor Relief (Ireland) Acts, 1838 to 1900, and the expression "district poor law school" means a school so established :
- (28) The reference to the Criminal Evidence Act, 1898, shall not apply, but, in any proceeding against any person for an offence under Part II. of this Act, or for any of the offences mentioned in the First Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence : 61 & 62 Vict.
c. 36.
- (29) The provisions of section one hundred and twenty of this Act (relative to the exclusion of children from

A.D. 1908.
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bars of licensed premises) shall not apply in the case of any child going to or being upon licensed premises if a substantial part of the business carried on upon the premises is a drapery, grocery, hardware, or other business wholly unconnected with the sale of intoxicating liquor, and the child, or the person (if any) in whose custody the child is, goes to or is upon the premises for the purpose of purchasing goods other than intoxicating liquor for consumption on the premises; and the reference in the said section to the Licensing Acts, 1828 to 1906, shall be construed as a reference to the Licensing (Ireland) Acts, 1833 to 1905.

Short title,
commence-
ment and
repeal.

134.—(1) This Act may be cited as the Children Act, 1908.

(2) Save as otherwise expressly provided, this Act shall come into operation on the first day of April, nineteen hundred and nine.

(3) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule: Provided that nothing in this repeal shall affect any notice or certificate given or any appointment or rules made under any enactment hereby repealed, and every such notice, certificate, appointment, and rules shall have effect as if given or made under this Act.

SCHEDULES.

A.D. 1908.

FIRST SCHEDULE.PART II.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences Against the Person Act, 1861, and any offence against a child or young person under sections five, forty-two, forty-three, fifty-two, or sixty-two of that Act, or under the Criminal Law Amendment Act, 1885.

Any offence under the Dangerous Performances Acts, 1879 and 1897.

Any other offence involving bodily injury to a child or young person.

24 & 25 Vict.
c. 100.48 & 49 Vict.
c. 69.42 & 43 Vict.
c. 34.60 & 61 Vict.
c. 52.SECOND SCHEDULE.

Section 128.

First column. Adults pleading guilty.	Second column. Adults consenting.
	Committing an indecent assault upon a person, whether male or female, who in the opinion of the court is under the age of sixteen years.

THIRD SCHEDULE.

Section 134.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. clxix.	The Middlesex Industrial Schools Act, 1854.	The whole Act.
29 & 30 Vict. c. 117.	The Reformatory Schools Act, 1866.	The whole Act.
29 & 30 Vict. c. 118.	The Industrial Schools Act, 1866.	The whole Act.
31 & 32 Vict. c. 25.	The Industrial Schools (Ireland) Act, 1868.	The whole Act.
31 & 32 Vict. c. 59.	The Irish Reformatory Schools Act, 1868.	The whole Act, except section twenty-five.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Sections twenty-seven and twenty-eight. Section fifty-two, so far as it relates to industrial schools.

A.D. 1908.	Session and Chapter.	Short Title.	Extent of Repeal.
	34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	Section fourteen.
	35 & 36 Vict. c. 21.	The Reformatory and Industrial Schools Acts Amendment Act, 1872.	The whole Act.
	35 & 36 Vict. c. 62.	The Education (Scotland) Act, 1872.	Section forty-one.
	35 & 36 Vict. c. 93.	The Pawnbrokers Act, 1872.	In section thirty-two the words "to be under the age of twelve years or."
	36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section fourteen.
	37 & 38 Vict. c. 47.	The Prisons Authorities Act, 1874.	The whole Act.
	38 & 39 Vict. c. lxxxvii.	The Middlesex Industrial Schools Act, 1875.	The whole Act.
	39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section twelve, from "A child shall be sent" to the end of the section. In section thirteen the words "or the Industrial Schools Act, 1866, to an industrial school," and the words "or the Industrial Schools Act, 1866." Section fourteen. Section fifteen. Section sixteen. Section seventeen.
	40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877.	Section sixty-seven.
	41 & 42 Vict. c. 40.	The Prisons Authorities Act (1874) Amendment Act, 1878.	The whole Act.
	42 & 43 Vict. c. 48.	The Elementary Education (Industrial Schools) Act, 1879.	The whole Act.
	42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Subsection (1) of section eleven from the words "and if the young person is a male" to the end of the subsection. In section fifteen, the words "imprisoned for a longer period than one month nor."

A.D. 1908.

Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict. c. 15.	The Industrial Schools Acts Amendment Act, 1880.	The whole Act.
44 & 45 Vict. c. 29.	The Reformatory Institutions (Ireland) Act, 1881.	The whole Act.
47 & 48 Vict. c. 19.	The Summary Jurisdiction over Children (Ireland) Act, 1884.	Subsection (1) of section five from the words "and if the young person is a male," to end of subsection. In section six the words "imprisoned for a longer period than one month nor."
47 & 48 Vict. c. 40.	The Reformatory and Industrial Schools (Manx Children) Act, 1884.	The whole Act.
48 & 49 Vict. c. 19.	The Industrial Schools (Ireland) Act, 1885.	The whole Act.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	Section four, from "and if, having regard" to "as if he or she had been sworn."
54 & 55 Vict. c. 23.	The Reformatory and Industrial Schools Act, 1891.	The whole Act.
56 & 57 Vict. c. 12.	The Day Industrial Schools (Scotland) Act, 1893.	Section three. Section four, from "an order under this section" to the end of the section. Section five. Section six. Section seven. In section eight the words "or under the Industrial Schools Act, 1866." Section nine.
56 & 57 Vict. c. 48.	The Reformatory Schools Act, 1893.	The whole Act.
57 & 58 Vict. c. 33.	The Industrial Schools Acts Amendment Act, 1894.	The whole Act.
58 & 59 Vict. c. 17.	The Reformatory and Industrial Schools (Channel Islands Children) Act, 1895.	The whole Act.

A.D. 1908.	Session and Chapter.	Short Title.	Extent of Repeal.
	60 & 61 Vict. c. 57.	The Infant Life Protection Act, 1897.	The whole Act.
	62 & 63 Vict. c. 12.	The Reformatory Schools Act, 1899.	The whole Act.
	63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section four.
	1 Edw. 7. c. 20	The Youthful Offenders Act, 1901.	The whole Act.
	2 Edw. 7. c. 42	The Education Act, 1902.	Paragraph (8) of the Third Schedule to "Elementary Education Act, 1873, and," and in the same paragraph the words "for the second reference in that section the " Education Department and " also."
	4 Edw. 7. c. 15	The Prevention of Cruelty to Children Act, 1904.	<p>Section one.</p> <p>In section two, paragraph (a).</p> <p>In section four, the words "or any " of the offences mentioned in the " First Schedule to this Act," and paragraph (b).</p> <p>Sections five to eleven.</p> <p>In section twelve, the words "or for " any of the offences mentioned in " the First Schedule to this Act."</p> <p>Section thirteen.</p> <p>Section fourteen.</p> <p>In section fifteen, the words "or for " any of the offences mentioned in " the First Schedule to this Act."</p> <p>Section sixteen.</p> <p>In section seventeen, the words "or " any of the offences mentioned in " the First Schedule to this Act."</p> <p>In section eighteen, the words "or " any of the offences mentioned in " the First Schedule to this Act," and the words "or of an offence " mentioned in the First Schedule " to this Act," and "or any offence " mentioned in the First Schedule " to this Act," and subsection (2) from "and may charge him with " the offences" to the end of that subsection.</p> <p>Section nineteen, from "or when in " the case" to "decision of the " court," and the words "or order " or decision."</p> <p>Section twenty.</p> <p>Section twenty-one.</p> <p>In section twenty-three, subsection (2).</p>

Session and Chapter.	Short Title.	Extent of Repeal.
4 Edw. 7. c. 15 — <i>cont.</i>	- - - -	Section twenty-five. Section twenty-six. Section twenty-eight. In section twenty-nine, the definitions of "street," "place of safety," and "Industrial Schools Acts." In section thirty, the words "The Secretary for Scotland shall be substituted for a Secretary of State," and the words from "The expression 'court of summary jurisdiction'" to the end of the section. In section thirty-one, the words "The Chief Secretary shall be substituted for a Secretary of State." The Schedules.
4 Edw. 7. c. 27	The Secretary for Scotland Act, 1904.	The whole Act.
7 Edw. 7. c. 17	The Probation of Offenders Act, 1907.	In section one, subsection (3), from "and if the offender" to the end of the subsection. Subsection (4) of section six, from "In the case" to the end of the subsection.
8 Edw. 7. c. xxvii.	The Edinburgh Corporation (Tramways, &c.) Order Confirmation Act, 1908.	Subsections (1) and (3) of section fifteen of the Schedule.

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