

Probation of Offenders Act, 1907.

[7 EDW. 7. CH. 17.]

ARRANGEMENT OF SECTIONS.

A.D. 1907.

Section.

1. Power of courts to permit conditional release of offenders.
2. Probation orders and conditions of recognizances.
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SCHEDULE.

[7 EDW. 7.] *Probation of Offenders Act, 1907.* [CH. 17.]



CHAPTER 17.

An Act to permit the Release on Probation of Offenders in certain cases, and for other matters incidental thereto. A.D. 1907.
—
[21st August 1907.]

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 :

1.—(1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, without proceeding to conviction, make an order either—

Power of courts to permit conditional release of offenders.

(i) dismissing the information or charge ; or

(ii) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) Where any person has been convicted on indictment of any offence punishable with imprisonment, and the court is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, in lieu of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of

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A.D. 1907. — good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(3) The court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction ten pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit) and to pay such costs of the proceedings as the court thinks reasonable, and, if the offender is under the age of sixteen years, and it appears to the court that the parent or guardian of the offender has conduced to the commission of the offence, the court may under and in accordance with the Youthful Offenders Act, 1901, order payment of such damages and costs by such parent or guardian.

(4) Where an order under this section is made by a court of summary jurisdiction, the order shall, for the purpose of re-vesting or restoring stolen property, and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connexion with such restitution or delivery, have the like effect as a conviction.

Probation
orders and
conditions of
recognizances.

2.—(1) A recognizance ordered to be entered into under this Act shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Act referred to as a probation order.

(2) A recognizance under this Act may contain such additional conditions as the court may, having regard to the particular circumstances of the case, order to be inserted therein with respect to all or any of the following matters:—

- (a) for prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places;
- (b) as to abstention from intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink;
- (c) generally for securing that the offender should lead an honest and industrious life.

(3) The court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe.

Probation
officers.

3.—(1) There may be appointed as probation officer or officers for a petty sessional division such person or persons of either sex as the authority having power to appoint a clerk to the justices of that division may determine, and a probation

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officer when acting under a probation order shall be subject to the control of petty sessional courts for the division for which he is so appointed. A.D. 1907.

(2) There shall be appointed, where circumstances permit, special probation officers, to be called children's probation officers, who shall, in the absence of any reasons to the contrary, be named in a probation order made in the case of an offender under the age of sixteen.

(3) The person named in any probation order shall,—

(a) where the court making the order is a court of summary jurisdiction, be selected from amongst the probation officers for the petty sessional division in or for which the court acts; or

(b) where the court making the order is a court of assize or a court of quarter sessions, be selected from amongst the probation officers for the petty sessional division from which the person charged was committed for trial:

Provided that the person so named may, if the court considers it expedient on account of the place of residence of the offender, or for any other special reason, be a probation officer for some other petty sessional division, and may, if the court considers that the special circumstances of the case render it desirable, be a person who has not been appointed to be probation officer for any petty sessional division.

(4) A probation officer appointed for a petty sessional division may be paid such salary as the authority having the control of the fund out of which the salary of the clerk to the justices of that petty sessional division is paid may determine, and if not so paid by salary may receive such remuneration for acting under a probation order as the court making the order thinks fit, not exceeding such remuneration as may be allowed by the regulations of such authority as aforesaid, and may in either case be paid such out-of-pocket expenses as may be allowed under such regulations as aforesaid, and the salary or remuneration and expenses shall be paid by that authority out of the said funds.

(5) A person named in a probation order not being a probation officer for a petty sessional division may be paid such remuneration and out-of-pocket expenses out of such fund as the court making the probation order may direct, not exceeding such as may be allowed under the regulations of the authority having control of the fund out of which the remuneration is directed to be paid.

(6) The person named in a probation order may at any time be relieved of his duties, and, in any such case or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear for conviction or sentence, or, if he be a

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A.D. 1907 — probation officer for a petty sessional division, by a court to whose control that officer is subject.

(7) In the application of this Act to the City of London and the metropolitan police court district, the city and each division of that district shall be deemed to be a petty sessional division.

Duties of probation officers. **4.** It shall be the duty of a probation officer, subject to the directions of the court—

- (a) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit ;
- (b) to see that he observes the conditions of his recognizance ;
- (c) to report to the court as to his behaviour ;
- (d) to advise, assist, and befriend him, and, when necessary, to endeavour to find him suitable employment.

Power to vary conditions of release. **5.** The court before which any person is bound by his recognizance under this Act to appear for conviction or sentence may, upon the application of the probation officer, and after notice to the offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance.

Provision in case of offender failing to observe conditions of release. **6.—(1)** If the court before which an offender is bound by his recognizance under this Act to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.

(2) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear for conviction or sentence, be brought before a court of summary jurisdiction.

(3) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last-mentioned court.

(4) An offender so remanded to custody may be committed during remand to any prison to which the court having power to convict or sentence him has power to commit prisoners. In the case of a child or young person under the age of sixteen, he shall, if remanded, be dealt with wherever practicable in

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accordance with the provisions of section four, subsection one, A.D. 1907, of the Youthful Offenders Act, 1901.

(5) A court before which a person is bound by his recognizance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the court in the first instance might, under section fifteen of the Industrial Schools Act, 1866, have ordered the offender to be sent to a certified industrial school, and the offender is still apparently under the age of twelve years, make such an order. 29 & 30 Vict.
c. 118.

7. The Secretary of State may make rules for carrying this Act into effect, and in particular for prescribing such matters incidental to the appointment, resignation, and removal of probation officers, and the performance of their duties, and the reports to be made by them, as may appear necessary. Power to make
rules.

8. This Act shall apply to Scotland, subject to the following modifications :— Application to
Scotland.

- (1) There may be appointed as probation officers for a district being a royal, parliamentary, or police burgh, or a county outwith the police boundaries of any such burgh, such persons as the burgh magistrates may determine for the burgh and the sheriff for the county; and a probation officer when acting under a probation order shall be subject to the control of the burgh police court or sheriff court, as the case may be :
- (2) The immediately preceding subsection shall be substituted for subsection one of section three of this Act, and references in this Act to a petty sessional division shall be construed as references to a district :
- (3) The expression "court of summary jurisdiction" where occurring in section three of this Act shall include the sheriff sitting with a jury :
- (4) "Bond" shall be substituted for "recognizance," the "Secretary for Scotland" shall be substituted for "the Secretary of State," and "the High Court of Justiciary" shall be substituted for "a court of assize or a court of quarter sessions" :
- (5) The authority having power to regulate the remuneration of probation officers shall be the town council in a burgh and the county council in a county, and such remuneration shall be paid out of the burgh general or police assessment or the county general assessment, as the case may be.

9. In the application of this Act to Ireland "Lord Lieutenant" shall be substituted for "Secretary of State," and each division of the police district of Dublin metropolis shall be deemed to be a petty sessional division. Application to
Ireland.

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A.D. 1907. **10.**—(1) This Act may be cited as the Probation of Offenders Act, 1907.
 Short title and repeal. (2) The enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of that schedule.
 (3) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

Section 10.

SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-------------------------|---|-------------------|
| 42 & 43 Vict. c. 49. | The Summary Jurisdiction Act, 1879 - | Section sixteen. |
| 50 & 51 Vict. c. 25. | The Probation of First Offenders Act, 1887. | The whole Act. |
| 1 Edw. 7. c. 20 | The Youthful Offenders Act, 1901 - | Section twelve. |

Printed by EYRE and SPOTTISWOODE,
FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 WYMAN AND SONS, LTD., FETTER LANE, E.C.; or
 OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH; or
 E. PONSONBY, 116, GRAFTON STREET, DUBLIN.

ISBN 0 10 516984 6

Prevention of Crime Act, 1908.

[8 EDW. 7. CH. 59.]

ARRANGEMENT OF SECTIONS.

A.D. 1908.

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REFORMATION OF YOUNG OFFENDERS.

Section.

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A.D. 1908.

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Section.

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18. Application to Ireland.
19. Short title and commencement.

SCHEDULE.



CHAPTER 59.

An Act to make better provision for the prevention of crime, and for that purpose to provide for the reformation of Young Offenders and the prolonged detention of Habitual Criminals, and for other purposes incidental thereto. 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.

REFORMATION OF YOUNG OFFENDERS.

1.—(1) Where a person is convicted on indictment of an offence for which he is liable to be sentenced to penal servitude or imprisonment, and it appears to the court—

Power of court to pass sentence of detention in Borstal Institution.

- (a) that the person is not less than sixteen nor more than twenty-one years of age ; and
- (b) that, by reason of his criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime ;

it shall be lawful for the court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal Institution for a term of not less than one year nor more than three years :

Provided that, before passing such a sentence, the court shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the case for treatment in a Borstal Institution, and shall be satisfied that the character, state of health, and mental condition of the offender, and the other circumstances of the case, are

[CH. 59.] *Prevention of Crime Act, 1908.* [8 EDW. 7.]

A.D. 1908. — such that the offender is likely to profit by such instruction and discipline as aforesaid.

(2) The Secretary of State may by order direct that this section shall extend to persons apparently under such age not exceeding the age of twenty-three as may be specified in the order, and upon such an order being made this section shall, whilst the order is in force, have effect as if the specified age were substituted for "twenty-one":

Provided that such an order shall not be made until a draft thereof has lain before each House of Parliament for not less than thirty days during the session of Parliament, and if either House, before the expiration of that period, presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft order.

Application to
reformatory
school offences.

2. Where a youthful offender sentenced to detention in a reformatory school is convicted under any Act before a court of summary jurisdiction of the offence of committing a breach of the rules of the school, or of inciting to such a breach, or of escaping from such a school, and the court might under that Act sentence the offender to imprisonment, the court may, in lieu of sentencing him to imprisonment, sentence him to detention in a Borstal Institution for a term not less than one year nor more than three years, and in such case the sentence shall supersede the sentence of detention in a reformatory school.

Power to
transfer from
prison to
Borstal Insti-
tution.

3. The Secretary of State may, if satisfied that a person undergoing penal servitude or imprisoned in consequence of a sentence passed either before or after the passing of this Act, being within the limits of age within which persons may be detained in a Borstal Institution, might with advantage be detained in a Borstal Institution, authorise the Prison Commissioners to transfer him from prison to a Borstal Institution, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in, or placed out on licence from, such an institution, this Part of this Act shall apply to him as if he had been originally sentenced to detention in a Borstal Institution.

Establishment
of Borstal
Institutions.

4.—(1) For the purposes of this Part of this Act the Secretary of State may establish Borstal Institutions, that is to say, places in which young offenders whilst detained may be given such industrial training and other instruction, and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime, and for that purpose may, with the approval of the Treasury, authorise the Prison Commissioners either to acquire any land or to erect or acquire any building or to appropriate the whole or any part of any land or building vested in them or under their control, and any expenses incurred under this section shall be paid out of moneys provided by Parliament.

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(2) The Secretary of State may make regulations for the rule and management of any Borstal Institution, and the constitution of a visiting committee thereof, and for the classification, treatment, and employment and control of persons sent to it in pursuance of this Part of this Act, and for their temporary detention until arrangements can be made for sending them to the institution, and, subject to any adaptations, alterations, and exceptions made by such regulations, the Prison Acts, 1865 to 1898 (including the penal provisions thereof), and the rules thereunder, shall apply in the case of every such institution as if it were a prison.

A.D. 1908.

5.—(1) Subject to regulations by the Secretary of State, the Prison Commissioners may at any time after the expiration of six months, or, in the case of a female, three months, from the commencement of the term of detention, if satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal Institution on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of the case.

Power to
release on
licence.

(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

(3) Subject to regulations by the Secretary of State, a licence under this section may be revoked at any time by the Prison Commissioners, and where a licence has been revoked the person to whom the licence related shall return to the Borstal Institution, and, if he fails to do so, may be apprehended without warrant and taken to the institution.

(4) If a person absent from a Borstal Institution under such a licence escapes from the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, he shall be considered thereby to have forfeited the licence.

(5) A court of summary jurisdiction for the place where the Borstal Institution from which a person has been placed out on licence is situate or where such a person is found may, on information on oath that the licence has been forfeited under this section, issue a warrant for his apprehension, and he shall, on apprehension, be brought before a court of summary jurisdiction, which, if satisfied that the licence has been forfeited, may order him to be remitted to the Borstal Institution, and may commit him to any prison within the jurisdiction of the court until he can conveniently be removed to the institution.

(6) The time during which a person is absent from a Borstal Institution under such a licence shall be treated as part of the time of his detention in the institution: Provided that where that person has failed to return to the institution on the licence being forfeited or revoked, the time which elapses after his

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A.D. 1908. failure so to return shall be excluded in computing the time during which he is to be detained in the institution.

(7) A licence under this section shall be in such form and shall contain such conditions as may be prescribed by regulations made by the Secretary of State.

Supervision
after expira-
tion of term
of sentence.

6.—(1) Every person sentenced to detention in a Borstal Institution shall, on the expiration of the term of his sentence, remain for a further period of six months under the supervision of the Prison Commissioners.

(2) The Prison Commissioners may grant to any person under their supervision a licence in accordance with the last foregoing section, and may revoke any such licence and recall the person to a Borstal Institution, and any person so recalled may be detained in a Borstal Institution for a period not exceeding three months, and may at any time be again placed out on licence :

Provided that a person shall not be so recalled unless the Prison Commissioners are of opinion that the recall is necessary for his protection, and they shall again place him out on licence as soon as possible and at latest within three months after the recall, and that a person so recalled shall not in any case be detained after the expiration of the said period of six months' supervision.

(3) A licence granted to a person before the expiration of his sentence of detention in a Borstal Institution shall, on his becoming liable to be under supervision in accordance with this section, continue in force after the expiration of that term, and may be revoked in manner provided by the last foregoing section.

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

Transfer of
incorrigibles,
&c. to prison.

7. Where a person detained in a Borstal Institution is reported to the Secretary of State by the visiting committee of such institution to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Secretary of State may commute the unexpired residue of the term of detention to such term of imprisonment, with or without hard labour, as the Secretary of State may determine, but in no case exceeding such unexpired residue.

Treasury con-
tributions
towards ex-
penses of
societies assist-
ing, &c. persons
discharged
from Borstal
Institutions.

8. Where a society has undertaken the duty of assisting or supervising persons discharged from a Borstal Institution, either absolutely or on licence, there may be paid to the society out of money provided by Parliament towards the expenses of the society incurred in connection with the persons so discharged such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.

Removal from
one part of the
United King-
dom to
another.

9. Where a person has been sentenced to detention in a Borstal Institution in one part of the United Kingdom, the Secretary of State, the Secretary for Scotland or the Lord

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Lieutenant of Ireland, as the case may be, may, as authority under this Act for that part of the United Kingdom, direct that person to be removed to and detained in a Borstal Institution in another part of the United Kingdom, with the consent of the authority under this Act for that other part. A.D. 1908.

PART II.

DETENTION OF HABITUAL CRIMINALS.

10.—(1) Where a person is convicted on indictment of a crime, committed after the passing of this Act, and subsequently the offender admits that he is or is found by the jury to be a habitual criminal, and the court passes a sentence of penal servitude, the court, if of opinion that by reason of his criminal habits and mode of life it is expedient for the protection of the public that the offender should be kept in detention for a lengthened period of years, may pass a further sentence ordering that on the determination of the sentence of penal servitude he be detained for such period not exceeding ten nor less than five years, as the court may determine, and such detention is herein-after referred to as preventive detention, and a person on whom such a sentence is passed shall, whilst undergoing both the sentence of penal servitude and the sentence of preventive detention, be deemed for the purposes of the Forfeiture Act, 1870, and for all other purposes, to be a person convicted of felony.

Power of court to pass sentence of preventive detention in addition to penal servitude.

33 & 34 Vict. c. 23.

(2) A person shall not be found to be a habitual criminal unless the jury finds on evidence—

- (a) that since attaining the age of sixteen years he has at least three times previously to the conviction of the crime charged in the said indictment been convicted of a crime, whether any such previous conviction was before or after the passing of this Act, and that he is leading persistently a dishonest or criminal life; or
- (b) that he has on such a previous conviction been found to be a habitual criminal and sentenced to preventive detention.

(3) In any indictment under this section it shall be sufficient, after charging the crime, to state that the offender is a habitual criminal.

(4) In the proceedings on the indictment the offender shall in the first instance be arraigned on so much only of the indictment as charges the crime, and if on arraignment he pleads guilty or is found guilty by the jury, the jury shall, unless he pleads guilty to being a habitual criminal, be charged to inquire whether he is a habitual criminal, and in that case it shall not be necessary to swear the jury again:

Provided that a charge of being a habitual criminal shall not be inserted in an indictment—

- (a) without the consent of the Director of Public Prosecutions; and

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A.D. 1908. (b) unless not less than seven days' notice has been given to the proper officer of the court by which the offender is to be tried, and to the offender, that it is intended to insert such a charge ;

and the notice to the offender shall specify the previous convictions and the other grounds upon which it is intended to found the charge.

(5) Without prejudice to any right of the accused to tender evidence as to his character and repute, evidence of character and repute may, if the court thinks fit, be admitted as evidence on the question whether the accused is or is not leading persistently a dishonest or criminal life.

34 & 35 Vict. c. 112. (6) For the purposes of this section the expression "crime" has the same meaning as in the Prevention of Crimes Act, 1871, and the definition of "crime" in that Act, set out in the schedule to this Act, shall apply accordingly.

Appeal against sentence to Court of Criminal Appeal. 7 Edw. 7. c. 23. **11.** A person sentenced to preventive detention may, notwithstanding anything in the Criminal Appeal Act, 1907, appeal against the sentence without the leave of the Court of Criminal Appeal.

Power in certain cases to commute penal servitude to preventive detention. **12.** Where a person has been sentenced, whether before or after the passing of this Act, to penal servitude for a term of five years or upwards, and he appears to the Secretary of State to have been a habitual criminal within the meaning of this Act, the Secretary of State may, if he thinks fit, at any time after three years of the term of penal servitude have expired, commute the whole or any part of the residue of the sentence to a sentence of preventive detention, so, however, that the total term of the sentence when so commuted shall not exceed the term of penal servitude originally awarded.

Detention in prison of persons undergoing preventive detention. **13.**—(1) The sentence of preventive detention shall take effect immediately on the determination of the sentence of penal servitude, whether that sentence is determined by effluxion of time or by order of the Secretary of State at such earlier date as the Secretary of State, having regard to the circumstances of the case and in particular to the time at which the convict, if sentenced to penal servitude alone, would ordinarily have been licensed to be at large, may direct.

(2) Persons undergoing preventive detention shall be confined in any prison or part of a prison which the Secretary of State may set apart for the purpose, and shall (save as otherwise provided by this Act) be subject to the law for the time being in force with respect to penal servitude as if they were undergoing penal servitude :

Provided that the rules applicable to convicts and convict prisons shall apply to persons undergoing preventive detention, and to the prisons or parts of prisons in which they are detained, subject to such modifications in the direction of a less rigorous treatment as the Secretary of State may prescribe by prison rules within the meaning of the Prison Act, 1898.

61 & 62 Vict. c. 41.

[8 Edw. 7.] *Prevention of Crime Act, 1908.* [CH. 59.]

(3) Persons undergoing preventive detention shall be subjected to such disciplinary and reformatory influences, and shall be employed on such work as may be best fitted to make them able and willing to earn an honest livelihood on discharge. A.D. 1908.

(4) The Secretary of State shall appoint for every such prison or part of a prison so set apart a board of visitors, of whom not less than two shall be justices of the peace, with such powers and duties as he may prescribe by such prison rules as aforesaid.

14.—(1) The Secretary of State shall, once at least in every three years during which a person is detained in custody under a sentence of preventive detention, take into consideration the condition, history, and circumstances of that person with a view to determining whether he shall be placed out on licence, and, if so, on what conditions. Power to discharge on licence.

(2) The Secretary of State may at any time discharge on licence a person undergoing preventive detention if satisfied that there is a reasonable probability that he will abstain from crime and lead a useful and industrious life or that he is no longer capable of engaging in crime, or that for any other reason it is desirable to release him from confinement in prison.

(3) A person so discharged on licence may be discharged on probation, and on condition that he be placed under the supervision or authority of any society or person named in the licence who may be willing to take charge of the case, or on such other conditions as may be specified in the licence.

(4) The Directors of Convict Prisons shall report periodically to the Secretary of State on the conduct and industry of persons undergoing preventive detention, and their prospects and probable behaviour on release, and for this purpose shall be assisted by a committee at each prison in which such persons are detained, consisting of such members of the board of visitors and such other persons of either sex as the Secretary of State may from time to time appoint.

(5) Every such committee shall hold meetings, at such intervals of not more than six months as may be prescribed, for the purpose of personally interviewing persons undergoing preventive detention in the prison and preparing reports embodying such information respecting them as may be necessary for the assistance of the Directors, and may at any other times hold such other meetings, and make such special reports respecting particular cases, as they may think necessary.

(6) A licence under this section may be in such form and may contain such conditions as may be prescribed by the Secretary of State.

(7) The provisions relating to licences to be at large granted to persons undergoing penal servitude shall not apply to persons undergoing preventive detention.

[CH. 59.] *Prevention of Crime Act, 1908.* [8 EDW. 7.]

A.D. 1908.

Provisions as
to persons
placed out on
licence.

15.—(1) The society or person under whose supervision or authority a person is so placed shall periodically, in accordance with regulations made by the Secretary of State, report to the Secretary of State on the conduct and circumstances of that person.

(2) A licence under this Part of this Act may be revoked at any time by the Secretary of State, and where a licence has been revoked, the person to whom the licence related shall return to the prison, and, if he fails to do so, may be apprehended without warrant and taken to prison.

(3) If a person absent from prison under such a licence escapes from the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, he shall be considered thereby to have forfeited the licence, and shall be taken back to prison.

(4) A court of summary jurisdiction for the place where the prison from which a person has been discharged on licence is situate, or where such a person is found, may, on information on oath that the licence has been forfeited under this section, issue a warrant for his apprehension, and he shall, on apprehension, be brought before a court of summary jurisdiction, which, if satisfied that the licence has been forfeited, shall order him to be remitted to preventive detention, and may commit him to any prison within the jurisdiction of the court until he can conveniently be removed to a prison or part of a prison set apart for the purpose of the confinement of persons undergoing preventive detention.

(5) The time during which a person is absent from prison under such a licence shall be treated as part of the term of preventive detention :

Provided that, where such person has failed to return on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the unexpired residue of the term of preventive detention.

Power to dis-
charge abso-
lutely.

16. Without prejudice to any other powers of discharge, the Secretary of State may at any time discharge absolutely any person discharged conditionally on licence under this Part of this Act, and shall so discharge him at the expiration of five years from the time when he was first discharged on licence if satisfied that he has been observing the conditions of his licence and abstaining from crime.

PART III.

GENERAL.

Application to
Scotland.

17.—(1) Part I. of this Act shall apply to Scotland (with the substitution of an institution under any name prescribed by the Secretary for Scotland for a Borstal Institution) on and after such date as may be determined by the Secretary for Scotland by

[8 Edw. 7.] *Prevention of Crime Act, 1908.* [Ch. 59.]

order issued under his hand and seal and published in the Edinburgh Gazette, which order shall indicate the date on and after which such an institution will be established in Scotland. A.D. 1908.

(2) In the application to Scotland of the provisions of this Act, other than those relating to the removal of persons from one part of the United Kingdom to another, "Secretary for Scotland" shall be substituted for "Secretary of State," "Prison Commissioners for Scotland" for "Prison Commissioners" and "Directors of Convict Prisons," "the Prisons (Scotland) Acts, 1860 to 1904" for "the Prisons Acts, 1865 to 1898," "the Prisons (Scotland) Act, 1877," for "the Prison Act, 1898," and "the sheriff" for "a court of summary jurisdiction," and the expression "crime," used in reference to previous convictions, means a crime of which a person has been convicted on indictment. 40 & 41 Vict.
c. 53.

(3) Subsection (4) of section ten shall not apply to Scotland, and in lieu thereof the following subsection shall be substituted:—

"In the proceedings under an indictment in pursuance of this section, where at the first diet the accused has pleaded not guilty, at the second diet, unless the accused then pleads guilty, the jury shall in the first instance be sworn, and the accused shall then be tried on so much only of the indictment as charges the said crime, and, if he is found guilty, the same jury shall, unless the accused admits that he is a habitual criminal, be re-sworn to inquire whether he is a habitual criminal. Where at the first diet the accused pleads guilty of the crime, but denies that he is a habitual criminal, the plea shall be recorded, and at the second diet, unless the accused admits that he is a habitual criminal, the jury shall be sworn to inquire whether he is a habitual criminal":

Provided that where a person is indicted under this section the provisions of section thirty-one of the Criminal Procedure (Scotland) Act, 1887, shall not apply unless the accused intimates his intention to plead guilty of the crime in terms of that section and to admit that he is a habitual criminal, and where the accused intimates his intention as aforesaid the sheriff shall remit him to the High Court of Justiciary for sentence. 50 & 51 Vict.
c. 35.

(4) Subsection (6) of section ten shall not apply to Scotland.

(5) Section eleven shall not apply to Scotland and in lieu thereof the following provision shall be substituted:—

"A person sentenced in Scotland to preventive detention may appeal against the sentence to a Court of Appeal which shall consist of not less than three judges of the High Court of Justiciary, and the High Court shall have power from time to time to pass Acts of Adjournal regulating the procedure in such appeals. Every such Act of Adjournal shall, as soon as may be, be laid before both Houses of Parliament."

[CH. 59.] *Prevention of Crime Act, 1908.* [8 EDW. 7.]

A.D. 1908. **18.** In the application to Ireland of the provisions of this Act, the following modifications shall be made :—
 Application to Ireland.

- (a) References to the Lord Lieutenant shall be substituted for references to the Secretary of State, except in the provision relating to the removal of persons from one part of the United Kingdom to another; and in the provisions relating to regulations under Part I. and to prison rules under Part II. of this Act;
- (b) The regulations to be made under Part I. and the prison rules to be made under Part II. of this Act shall be made by the General Prisons Board for Ireland subject to the approval of the Lord Lieutenant and Privy Council, and the provisions of section fifty-seven of the General Prisons (Ireland) Act, 1877, shall apply to the said rules;
- (c) References to the General Prisons Board for Ireland shall be substituted for references to the Prison Commissioners and Directors of Convict Prisons;
- (d) References to the Prisons (Ireland) Acts, 1826 to 1907, shall be substituted for references to the Prisons Acts, 1865 to 1898;
- (e) A reference to the Attorney-General for Ireland shall be substituted for the reference to the Director of Public Prosecutions;
- (f) The provision relating to appeals to the Court of Criminal Appeal shall not apply, but where any person charged in an indictment with being a habitual criminal is found by a jury under this Act to be a habitual criminal, the provisions of the Crown Cases Act, 1848, as amended by any subsequent enactment, shall, with the necessary modifications, apply in like manner as if the proceedings upon such charge were a trial for an offence to which section one of that Act applies and as if the person had been convicted of such an offence.

40 & 41 Vict.
c. 49.

11 & 12 Vict.
c. 78.

Short title and commencement. **19.**—(1) This Act may be cited as the Prevention of Crime Act, 1908.

(2) This Act shall come into operation on the first day of August one thousand nine hundred and nine.

[8 EDW. 7.] *Prevention of Crime Act, 1908.* [CH. 59.]

SCHEDULE.

A.D. 1908.

Section 10.

The expression "crime" means, in England and Ireland, any felony or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or any misdemeanour under the fifty-eighth section of the Larceny Act, 1861.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

member of Parliament for such constituency and the date at which a return to such writ is made, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and in any other case shall, on summary conviction, be liable to a fine not exceeding five pounds, or to imprisonment not exceeding one month.

(2) Any person who incites others to commit an offence under this section shall be guilty of a like offence.

2. This Act may be cited as the Public Meeting Act, 1908. Short title.

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. [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

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.

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.

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

60 & 61 Vict.
c. 57.

Appointment
and powers of
inspectors, &c.

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.

(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

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

(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;

4 Edw. 7. c. 15.

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.

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

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 imprison-

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.

(7) A copy of a policy of insurance, certified by an officer or 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 the 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, to 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.

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 & 48 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 the 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

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—

Disposal of child or young person by order of court.

- (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,

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

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 to 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 com-
mitted 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 to 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 so 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 labour, 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 of 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 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.

(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

or young person.

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

- (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, and the Secretary of State, with the consent of any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children may, subject to such conditions as the Secretary of State may prescribe, appoint officers of the society or body corporate for the purpose.

(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

Power as to
habitual
drunkards.

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

- (b) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being 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) 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:

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.

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

11 & 12 Vict.
c. 42.

11 & 12 Vict.
c. 42.

42 & 43 Vict.
c. 40.

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

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.

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.

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.

PART IV.

REFORMATORY AND INDUSTRIAL SCHOOLS.

Interpretation.

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

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.

Inspection of certified schools.

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.

(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', 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.

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.

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—

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

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 :

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.

(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.

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.

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

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.

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.

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.

(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

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 mainte-
nance, &c. of
inmates of cer-
tified 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.

(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

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.

(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

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.

(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.

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;

56 & 57 Vict.
c. 73.

Contributions
by parents.

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 :

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.

(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. 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 attendance 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 Treasury.

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.

Powers of local education authorities.

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.

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.

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

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.

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

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 persons;

The expressions "court of assize," "court of quarter sessions," "circuit court of judicary," "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 of 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.

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 commitment 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.

11 & 12 Vict.
c. 42.

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.

(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., instead of child or young person.

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. 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.

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 detention.

(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

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.

1 Edw. 7. c. 20.

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.

(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

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 im-
prison children
and young per-
sons.

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 pro-
ceedings.

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.

MISCELLANEOUS AND GENERAL.

Miscellaneous.

114. In addition and without prejudice to any powers which a court may possess to hear proceedings in camera 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.

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.

(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

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

1908.

Children Act, 1908.

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.

(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. 48.

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 determina-
tion 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

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 his 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." 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 definitions.

- 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;

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 :

- (6) The poorhouse and the person in charge thereof shall be substituted for the workhouse and the master thereof :
- (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 : + 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

"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 borough" 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.

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

52 & 53 Vict.
c. 50.

55 & 56 Vict.
c. 56.

60 & 61 Vict.
c. 38.

7 Edw. 7. c. 17.

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

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.

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:

- (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:
- (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:

- (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:

- (4) The powers which may be exercised by His Majesty may be exercised as to Ireland by the Lord Lieutenant :
- (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, 1873, shall be substituted for a petty sessional court :
- (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" :
- (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.
- 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.
- 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" :
- (8) The Dublin Police Act, 1859, shall be substituted for the Metropolitan Police Courts Acts, 1839 and 1840 :
- (9) The Union Officers (Ireland) Superannuation Acts, 1865 and 1872, shall be substituted for the Superannuation (Metropolis) Act, 1866 :
- (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 :
- (11) The prohibition of the purchase of old metal from children and young persons shall not apply :
- (12) For the prohibition against taking any pawns from children the following provision shall be substituted :—
- "If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen

41 & 42 Vict.
c. 52.

47 & 48 Vict.
c. 19.

42 & 43 Vict.
c. 49.

47 & 48 Vict.
c. 19.

14 & 15 Vict.
c. 93.

22 & 23 Vict. c. 52.
2 & 3 Vict. c. 71.
3 & 4 Vict. c. 84.

29 & 30 Vict.
c. 31.

11 & 12 Vict.
c. 42.

14 & 15 Vict.
c. 93.

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” :

- (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 ^{9 & 10 Vict. c. 65.} Poor Law Act, 1879, to the Canal Boats Act, 1877, or ^{32 & 43 Vict. c. 84.} to an order of affiliation shall not apply : ^{40 & 41 Vict. c. 60.}
- (16) Any reference to the Criminal Appeal Act, 1907, or to ^{7 Edw. 7. c. 23.} an appeal to the Court of Criminal Appeal shall not apply :
- (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

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.

55 & 56 Vict.
c. 42.

55 & 56 Vict.
c. 42.

39 & 40 Vict.
c. 79.

- (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 :

- (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 :
- (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 :
- (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

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, commencement, 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.

FIRST SCHEDULE.

PART II.

24 & 25 Vict. c. 100. 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, 48 & 49 Vict. c. 69. or sixty-two of that Act, or under the Criminal Law Amendment Act, 1885.
 42 & 43 Vict. c. 34. Any offence under the Dangerous Performances Acts, 1879 and 1897.
 60 & 61 Vict. c. 52. Any other offence involving bodily injury to a child or young person.

SECOND SCHEDULE.

Section 138.

| 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. |
| 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. |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-------------------------|---|--|
| 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." |
| 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. |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-------------------------|--|--|
| 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. |
| 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. | Section one. In section two, paragraph (a). In section four, the words "or any" "of the offences mentioned in the" |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---------------------------|---|---|
| 4 Edw. 7. c. 15 —cont. | | <p>“ First Schedule to this Act,” and paragraph (b). Sections five to eleven. In section twelve, the words “ or for “ any of the offences mentioned “ in the First Schedule to this “ Act.” Section thirteen. Section fourteen. In section fifteen, the words “ or for “ any of the offences mentioned “ in the First Schedule to this “ Act.” Section sixteen. In section seventeen, the words “ or “ any of the offences mentioned “ in the First Schedule to this “ Act.” In section eighteen, the words “ or “ any of the offences mentioned “ 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. Section nineteen, from “ or when in “ the case” to “ decision of the “ court,” and the words “ or order “ or decision.” Section twenty. Section twenty-one. In section twenty-three, subsection (2). 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 sum- “ mary jurisdiction ’” to the end of the section. In section thirty-one, the words “ The “ Chief Secretary shall be substi- “ tuted for a Secretary of State.” The Schedules.</p> |
| 4 Edw. 7. c. 27 | The Secretary for Scotland Act, 1904. | The whole Act. |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|----------------------|---|---|
| 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. |

CHAPTER 68.

An Act to provide for the improvement and better administration of the Port of London, and for purposes incidental thereto. [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 :

ESTABLISHMENT OF PORT OF LONDON AUTHORITY.

1.—(1) An authority (in this Act referred to as the Port Authority) shall be established for the purpose of administering, preserving, and improving the port of London and otherwise for the purposes of this Act. Establishment of Port of London Authority

(2) The Port Authority shall be a body corporate by the name of the Port of London Authority, with a common seal, having power to acquire and hold land for the purposes of this Act without licence in mortmain.

(3) The Port Authority shall consist of a chairman and vice-chairman and other members elected and appointed in manner provided by this Act.

(4) Subject to the provisions of this section, the chairman and vice-chairman shall be appointed by the Port Authority; the person to be appointed to either such office may, but need not, be an elected or appointed member.

(5) Subject to the provisions of this section, the number of elected members shall be eighteen, of whom seventeen shall be elected by payers of dues, wharfingers, and owners of river craft, and one shall be elected by wharfingers.

(6) Subject to the provisions of this section, the number of the appointed members shall be ten, appointed as follows :—

| | |
|---------------------------------|---|
| By the Admiralty - - - - - | 1 |
| By the Board of Trade - - - - - | 2 |



Criminal Justice Administration Act 1914

1914 CHAPTER 58

An Act to diminish the number of cases committed to prison, to amend the Law with respect to the treatment and punishment of young offenders, and otherwise to improve the Administration of Criminal Justice. [10th August 1914]

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 :

Fines, Fees, &c

1 Obligation to allow time for payment of fines

- (1) A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued forthwith unless the court which passed the sentence is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason expressly directs that no time shall be allowed.
- (2) Where any such person desires to be allowed time for payment the court in deciding what time shall be allowed shall consider any representation made by him, but the time allowed shall not be less than seven clear days:

Provided that if before the expiration of the time allowed the person convicted surrenders himself to any court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, that court may if it thinks fit forthwith issue a warrant committing him to prison.

- (3) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under this Act, order that he be placed under the supervision of such person as maybe appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant committing the offender to prison in respect of non-payment of the sum a court of summary jurisdiction shall consider any report as to the conduct and means of the offender, which may be made by the person under whose supervision the offender has been placed.
- (4) In all cases where time is not allowed for payment, the reasons of the court for the immediate committal shall be stated in the warrant of commitment.

2 Allowance of further time

Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction, further time may, subject to any rules made under this Act, on an application by or on behalf of the offender, be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or such court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid.

3 Reduction of imprisonment on part payment of sums adjudged to be paid

- (1) Where a term of imprisonment is imposed by a court of summary jurisdiction in respect of the non-payment of any sum of money adjudged to be paid by a conviction or order of that or any other court of summary jurisdiction, that term shall, on payment of a part of such sum to any person authorised to receive it, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid :

Provided that, in reckoning the number of days by which any term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account, and that, in reckoning the sum which will secure the reduction of a term of imprisonment, fractions of a penny shall be omitted.

- (2) Provision may be made by rules under section twenty-nine of the Summary Jurisdiction Act, 1879, as to the application of sums paid under this section and for determining the persons authorised to receive such payments and the conditions under which such payments may be made.

4 Provisions for enforcement of payment of fines, &c

- (1) Where a person has been adjudged to pay a sum by a conviction of a court of summary jurisdiction, or in proceedings in any such court for enforcing an order in any matter of bastardy, or an order under which weekly sums are made payable towards the maintenance of a wife, the court may order him to be searched and any money found on him on apprehension, or when so searched, or which may be found on him when taken to prison in default of payment of the sum so adjudged to be paid, may, unless the court otherwise directs,

be applied towards the payment of the sum so adjudged to be paid, and the surplus, if any, shall be returned to him. Provided that the money shall not be so applied if the

court is satisfied that the money does not belong to the person on whom it was found, or that the loss of the money will be more injurious to his family than his imprisonment.

- (2) Where a warrant of distress is issued by a court of summary jurisdiction it shall authorise the person charged with the execution thereof to take any money as well as any goods of the person against whom the distress is levied, and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant, and the provisions of the Summary Jurisdiction Acts shall apply accordingly.

5 Payment and allocation of fines and fees

- (1) A court of summary jurisdiction in fixing the amount of any fine to be imposed on an offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court; and where a fine is imposed the payment of the court fees and police fees payable in the case up to and including conviction shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine, but the amount of the fine, or of such part thereof as may be paid or recovered, shall be applied as follows :—
- (a) in the first place in the repayment to the informant or complainant of any court or police fees paid by him ;
 - (b) in the second place in the payment of any court fees not already paid by the informant or complainant which may be payable under the table of fees set out in the First Schedule to this Act;
 - (c) in the third place in the payment of any police fees not already paid by the informant or complainant; and
 - (d) the balance (if any) remaining after the aforesaid payments have been made shall be paid to the fund or person to which the fine is directed to be paid by the enactments relating to the offence in respect of which the fine was imposed, or, if there is no such fund or person, then to the fund into which the court fees are paid.
- (2) In this section the expression "police fees" means all duly authorised fees payable to any constable in the execution of his duty.

6 Uniform scale of court fees as respects all courts of summary jurisdiction

- (1) The table of court fees set out in Part I of the First Schedule to this Act shall have effect in all courts of summary jurisdiction, and shall be substituted for any table of fees in force at the commencement of this Act in any court of summary jurisdiction, and references in any enactment to any fees for which fees in the said table are so substituted shall be construed as references to the fees so substituted.
- (2) Notwithstanding any provisions in any other general or local Act or in any rules made under any such Act enabling fees to be charged by clerks to justices, the fees set out in Part I. of that schedule, and no other fees, may be charged by clerks to justices:
- Provided that nothing in this section shall affect the fees chargeable in metropolitan police courts or the police courts of the City of London, or in respect of the matters specified in Part II. of that schedule.
- (3) The Secretary of State may, in the event of new or additional duties being imposed on courts of summary jurisdiction or clerks to justices, or for other sufficient reason, by order make such variations in the said table of fees as may seem to him to be proper,

and upon such order coming into operation the table shall have effect subject to the variations made by the order :

Provided that before any such order is made a draft of the proposed order shall be laid before each House of Parliament for a period of not less than thirty days during which the House is sitting, and if either of those Houses before the expiration of those thirty days presents an address to His Majesty against the draft order or any part thereof no further proceedings shall be taken thereon, without prejudice to the making of a new draft order.

Probation

7 Power to recognise and subsidise societies for care of youthful offenders on probation, &c

- (1) If a society is formed or is already in existence having as its object or amongst its objects the care and control of persons under the age of twenty-one whilst on probation under the Probation of Offenders Act, 1907. or of persons whilst placed out on licence from a reformatory or industrial school or Borstal institution, or under supervision after the determination of the period of their detention in such a school or institution, or under supervision in pursuance of this Act, or some one or more of such objects the society may apply to the Secretary of State for recognition, and the Secretary of State, if he approves of the constitution of the society and is satisfied as to the means adopted by the society for securing such objects as aforesaid, may grant his recognition to the society.
- (2) Where a probation order is made by a court of summary jurisdiction in respect of a person who appears to the court to be under the age of twenty-one, the court may appoint any person provided by a recognised society to act as probation officer in the case.
- (3) Where a probation officer provided by a recognised society has been appointed to act in any case and it is subsequently found by the society expedient that some other officer provided by the society should be substituted for the officer originally appointed, the society may, subject to the approval of the court, appoint such other officer to act, and thereupon the probation order shall have effect as if such substituted officer had originally been appointed to act as probation officer.
- (4) There may be paid to a recognised society out of moneys provided by Parliament towards the expenses incurred by the society such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.

8 Conditions of probation

For subsection (2) of section two of the Probation of Offenders Act, 1907, which specifies the additional conditions which may be inserted in a recognisance under the Act, the following subsection shall be substituted :—

- “(2) A recognisance under this Act may contain such additional conditions with respect to residence, abstention from intoxicating liquor, and any other matters, as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.”

9 Variation of terms and conditions of probation

The following section shall be substituted for section five of the Probation of Offenders Act, 1907, which relates to the power of varying the conditions of recognisances :—

“The court before which any person is bound by a recognisance under this Act to appear for conviction and sentence or for sentence—

- (a) may at any time if it appears to it, upon the application of the probation officer, that it is expedient that the terms or conditions of the recognisance should be varied, summon the person bound by the recognisance to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the recognisance by extending or diminishing the duration thereof (so, however, that it shall not exceed three years from the date of the original order), or by altering the conditions thereof, or by inserting additional conditions ; or
- (b) may on application being made by the probation officer, and on being satisfied that the conduct of the person bound by the recognisance has been such as to make it unnecessary that he any longer be under supervision, discharge the recognisance.”

Committals to Borstal Institutions

10 Power to send youthful delinquents to Borstal Institutions

- (1) Where a person is summarily convicted of any offence for which the court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine, and—

- (a) it appears to the court that the offender is not less than sixteen nor more than twenty-one years of age ; and
- (b) it is proved that the offender has previously been convicted of any offence or, that having been previously discharged on probation, he failed to observe a condition of his recognizance ; and
- (c) it appears to the court that by reason of the offender's criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,

it shall be lawful for the court, in lieu of passing sentence, to commit the offender to prison until the next quarter sessions, and the Court of quarter sessions shall inquire into the circumstances of the case, and, if it appears to the court that the offender is of such age as aforesaid and that for any such reason as aforesaid it is expedient that the offender should be subject to such detention as aforesaid, shall pass such sentence of detention in a Borstal institution as is authorised by Part I of the Prevention of Crime Act, 1908, as amended by this Act; otherwise the court shall deal with the case in any way in which the court of summary jurisdiction might have dealt with it.

- (2) A court of summary jurisdiction or court of quarter sessions, before dealing with any case under this section, shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the offender for such detention as aforesaid, and a court of summary jurisdiction shall, where necessary, adjourn the case for the purpose of giving an opportunity for such a report or representations being made.

- (3) Where a person is committed to prison under this section his treatment in prison shall, so far as practicable, be similar to that in Borstal institutions, or he may, if the Secretary of State so directs, be transferred to a Borstal institution.
- (4) The Costs in Criminal Cases Act, 1908, shall apply in the case of a person committed to prison by a court of summary jurisdiction under this section as if that person were committed for trial for an indictable offence.
- (5) A person sentenced by a court of quarter sessions under this section to detention in a Borstal institution may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.
- (6) This section shall come into operation on the first day of September nineteen hundred and fifteen.

11 Amendment and application of Part I of the Prevention of Crime Act, 1908

- (1) The term for which a person or youthful offender may be sentenced to detention in a Borstal institution under section one or section two of the Prevention of Crime Act, 1908, shall not be less than two years, and accordingly "two years" shall be substituted for "one year" in subsection (1) of section one and in section two respectively of that Act.
- (2) The period for which a person sentenced to detention in a Borstal institution is on the expiration of the term of his sentence to remain under the supervision of the Prison Commissioners shall be one year, and accordingly "one year" shall be substituted for "six months" in subsection (1) of section six of the same Act.
- (3) The maximum period for which a person so under the supervision of the Prison Commissioners may on recall to a Borstal institution be detained in such an institution shall be one year, and he may be so detained notwithstanding that the period of supervision has expired, and accordingly "one year" shall be substituted for "three months" in subsection (2) of section six of that Act.
- (4) The provisions of Part I. of the Prevention of Crime Act, 1908, as so amended, shall apply to persons sentenced to detention in a Borstal institution under this Act in like manner as they apply to persons sentenced under that Part of that Act.

New Powers of dealing with Offenders

12 Power to order detention for one day in precincts of the court

Where a court of summary jurisdiction has power to pass a sentence of imprisonment, the court, in lieu of passing a sentence of imprisonment, may order that the offender be detained within the precincts of the court, or at any police station, till such hour, not later than eight in the evening on the day on which he is convicted, as the court may direct:

Provided that a court of summary jurisdiction shall, before making an order of detention under this section, take into consideration the distance between the place

of detention and the offender's abode (if his abode is known to, or ascertainable by, the court), and shall not make any such order of detention under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day on which such order of detention is made.

13 Substitution of police custody for imprisonment in case of short sentences

- (1) No person shall be sentenced to imprisonment by a court of summary jurisdiction for a period of less than five days.
- (2) Where a person is liable to be sentenced to imprisonment by a court of summary jurisdiction, the court may, if any suitable places provided and certified in manner hereinafter appearing are available for the purpose, order the person to be detained therein for such period not exceeding four days as the court thinks fit, and the order shall be delivered with the offender to the person in charge of the place where the offender is to be detained, and shall be a sufficient authority for his detention in that place in accordance with the tenour thereof.
- (3) The expenses of the maintenance of persons detained under this section shall be defrayed in like manner as the expenses of the maintenance of prisoners in prisons to which the Prison Act, 1877, applies.
- (4) The Secretary of State may, on the application of any police authority, certify any police cells, bridewells, or other similar places provided by the authority to be suitable places for the detention of persons sentenced to detention under this section, and may make regulations for the inspection of places so provided, the treatment of persons detained therein, and generally for carrying this section into effect:

Provided that no place so certified shall be used for the detention of females unless provision is made for their supervision by female officers.
- (5) For the purposes of this section the expression " police authority," with respect to the City of London, means the Commissioner of City Police, and with respect to other places has the same meaning as in the Police Act, 1890.

14 Provisions as to malicious damage to property

- (1) If any person wilfully or maliciously commits any damage to any real or personal property whatsoever, either of a public or private nature, and the amount of the damage does not, in the opinion of the court, exceed twenty pounds, he shall be liable on summary conviction—
 - (a) if the amount of the damage, in the opinion of the court, exceeds five pounds, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds ; and
 - (b) if the amount of the damage is, in the opinion of the court, five pounds or less, to imprisonment for a term not exceeding two months or to a fine not exceeding five pounds ;

and in either case to the payment of such further amount as appears to the court reasonable compensation for the damage so committed which last-mentioned amount shall be paid to the party aggrieved :

Provided that this provision shall not apply where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of.

- (2) So much of section fifty-one of the Malicious Damage Act, 1861, as limits the cases which may be dealt with under that section to cases where the damage, injury or spoil exceeds five pounds, shall be repealed but a court of summary jurisdiction shall not commit any person for trial for an offence under that section unless it is of opinion that the damage, injury or spoil exceeds five pounds.
- (3) Except so far as otherwise provided in the last foregoing subsection, nothing in this section shall be construed as preventing a court of summary jurisdiction from committing a person for trial for an offence notwithstanding that the offence is an offence which the court has power to deal with summarily under this, section.

15 Extension of powers to deal with cases summarily

- (1) " Twenty pounds " shall be substituted for
 "forty shillings"
 "or, if the value of the property which was"the subject of the offence, in the opinion of the court before which " the charge is brought, exceeds forty shillings, to be imprisoned " with or without hard labour for any term not exceeding six " months or to pay a fine not exceeding fifty pounds."
- (2) Section fourteen of the same Act (which imposes certain restrictions on the power to deal summarily with adults charged with indictable offences) is hereby repealed.
- (3) Where a child is charged before a court of summary jurisdiction with a felony, and the court, in pursuance of the power conferred by section ten of the same Act, as amended by any subsequent enactment, deals with the case summarily, the court may, notwithstanding anything in that section, inflict a fine not exceeding forty shillings as a punishment.

Imprisonment

16 Hard labour and classification of prisoners

- (1) Where imprisonment is imposed by any court in respect of the non-payment of any sum adjudged by that or any other court to be paid the imprisonment shall be without hard labour. Where a person convicted by or before any court of an offence is sentenced to imprisonment without the option of a fine, the imprisonment may, in the discretion of the court, be either with or without hard labour, notwithstanding that the offence is an offence at common law or that the statute under which the sentence is passed does not authorise the imposition of hard labour or requires the imposition of hard labour.
- (2) If no direction is given by a court in pursuance of the powers conferred by section six of the Prison Act, 1898, as to the division in which an offender is to be placed, the offender shall, subject to the provisions of that section, be treated as an offender of the third division unless the visiting committee consider the case suitable for treatment in the second division, and direct that the offender be so treated. Subsection (2) of that section shall be amended by the insertion after the words
 "without hard labour"of the words " or committed to prison for non-payment of a fine."

Status: This is the original version (as it was originally enacted).

- (3) A court or visiting committee shall not direct an offender to be treated as an offender of the second division if his character and antecedents are such that he is likely to exercise a bad influence on first offenders.
- (4) The provisions of subsections (1) and (2) of section six of the Prison Act, 1898, as amended by this section, which relate to the classification of offenders sentenced to imprisonment for offences, shall apply to cases where the person is sentenced to imprisonment for failing to-do or to abstain from doing any act or thing required to be done or left undone.
- (5) Subsection (3) of the same section (which requires that certain prisoners shall be placed in a separate division and treated under special rules and shall not be placed in association with criminal prisoners nor be compelled to wear prison dress unless their own clothing is unfit for use), shall extend to persons committed to prison for contempt of court, and accordingly the words " or for contempt of court" shall be inserted in that subsection after the words
- “hard labour.”

17 Commitment and removal of prisoners

There shall be substituted for sections twenty-four, twenty-five, twenty-six, and twenty-seven of the Prison Act, 1877, the following provisions :—

- (1) The Secretary of State may from time to time by any general or special rule under the Prison Acts, 1865 to 1902, appropriate, either wholly or partially, particular prisons within his jurisdiction to particular classes of prisoners :
- (2) A prisoner sentenced to imprisonment or committed to prison on remand, or pending trial, or otherwise, may be lawfully confined in any prison to which the Prison Acts, 1865 to 1902, apply:
- (3) Prisoners shall be committed to such prisons as the Secretary of State may from time to time direct ; and may on the like direction be removed therefrom during the term of their imprisonment to any other prison: .
- (4) Where a prisoner is discharged from a prison situate beyond the limits of the county, borough, or place in which he was arrested, the cost of his return to the place in which he was at the time of his arrest or to the place where he was convicted, whichever is the nearest, shall be paid out of moneys provided by Parliament on account of prisons :
- (5) A prisoner shall not in any case be liable to pay the costs of his conveyance to prison :
- (6) The Secretary of State, on being satisfied that a prisoner is suffering from disease and cannot be properly treated in the prison, or that he should undergo and desires to undergo a surgical operation which cannot properly be performed in the prison, may order that the prisoner be taken to a hospital or other suitable place for the purpose of treatment or the operation, and while absent from the prison in pursuance of such an order the prisoner shall be deemed to be in legal custody.

18 Consecutive sentences of imprisonment

Where a sentence of imprisonment is passed on any person by a court of summary jurisdiction, the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced, so

however that where- two or more sentences passed by a court of summary jurisdiction are ordered to run consecutively the aggregate term of imprisonment shall not exceed six months, unless such sentences included at least two sentences for indictable offences dealt with summarily by consent or on a plea of guilty, in which case the aggregate term of imprisonment shall not exceed twelve months.

Bail and Remand

19 Continuous bail

Where a person is remanded on bail the recognisance may be conditioned for his appearance at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

20 Powers of remand

- (1) A court of summary jurisdiction, on being satisfied that a person accused of any offence who has been remanded is by reason of illness or accident unable at the expiration of the period for which he was remanded to appear personally before the court, may, in the absence of the accused person, order him to be further remanded for such time as may be deemed reasonable.
- (2) The period for which a court of summary jurisdiction may remand on bail a person accused of an indictable offence may, if that person and the prosecutor consent, exceed eight days, and accordingly in section twenty-one of the Indictable Offences Act, 1848, after the words " not exceeding " where they first occur in that section, there shall be inserted the words

“unless the person remanded and the prosecutor consent.”

21 Endorsement on warrants as to release on bail

- (1) A justice on issuing a warrant for the arrest of any person may, if he thinks fit, by endorsement on the warrant, direct that the person named in the warrant be on arrest released on his entering into such a recognisance, with or without sureties, for his appearance as may be specified in the endorsement, and the endorsement shall fix the amounts in which the principal and sureties (if any) are to be bound.
- (2) Where such an endorsement is made, the officer in charge of any police station to which on arrest the person named in the warrant is brought shall discharge him upon his entering into a recognisance, with or without sureties approved by that officer, in accordance with the endorsement, conditioned for his appearance before the court and at the time and place named in the recognisance.

22 Release on bail of a person arrested without warrant

For section thirty-eight of the Summary Jurisdiction Act, 1879, the following section shall be substituted :—

“On a person being taken into custody for an offence without a warrant, a superintendent or inspector of police, or other officer of police of equal or superior rank, or in charge of any police station, may in any case, and shall, if it will not

be practicable to bring such person before a court of summary jurisdiction within twenty-four hours after he was so taken into custody, inquire into the case, and, unless the offence appears to such superintendent, inspector, or officer to be of a serious nature, discharge the person upon his entering into a recognisance with or without sureties for a reasonable amount to appear before some court of summary jurisdiction at the time and place named in the recognisance, but where such person- is retained in custody he shall be brought before a court of summary jurisdiction as soon as practicable.”

23 Notice of right to apply for bail

Where a court of summary jurisdiction commits a person charged with any misdemeanour for trial and does not admit him to bail the court shall inform the person accused of his right to apply for bail to a judge of the High Court of Justice.

24 Declaration of law as to mode of entering into recognisance

For removing doubts it is hereby declared that where as a condition of the release of any person he is required to enter into a recognisance with sureties, the recognisances of the sureties may be taken separately and either before or after the recognisances of the principal, and if so taken the recognisances of the principal and sureties shall be as binding as if they had been taken together and at the same time.

Miscellaneous and General

25 Manner of enforcing payment of sums adjudged to be paid

- (1) The following provision shall be substituted for subsection (3) of section twenty-one of the Summary Jurisdiction Act, 1879 :—

“Where a sum is adjudged to be paid by a conviction of a court of summary jurisdiction, or in the case of a sum not a civil debt by an order of such court, and on default of payment of such sum a warrant of distress is authorised to be issued, the court may, in any case in which it appears expedient to do so, instead of issuing a warrant of distress, issue a warrant of commitment:

Provided that where time is not allowed for the payment of such sum, a warrant of commitment shall not be issued in the first instance unless it appears to the court that the offender has no goods or insufficient goods to satisfy the money payable or that the levy of distress will be more injurious to him or his family than imprisonment.”(2) Where a sum is adjudged to be paid by a conviction or order of a court of summary jurisdiction, and, by the statute authorising such conviction or order, a mode of enforcing the payment thereof is provided which does not authorise the issue of a warrant of distress for the purpose, a warrant of distress may nevertheless be issued in like manner in all respects and with the like consequences as if no mode of enforcing the payment were provided in such statute.

26 Provisions with respect to holders of licences and persons under police supervision

- (1) An order under subsection (2) of section four of the Penal Servitude Act, 1891, remitting any of the requirements of sections five and eight of the Prevention of Crimes

Act, 1871, in the case of any holder of a licence or person subject to the supervision of the police, may be made conditional on the observance of such conditions as may be specified in the order, and if the Secretary of State is satisfied that any condition imposed by the order has been contravened he may cancel the order.

- (2) Where His Majesty has been pleased to revoke the licence granted to any convict under the Penal Servitude Acts, 1853 to 1891, the convict shall thereupon be liable to be arrested without warrant by any constable and brought before a court of summary jurisdiction, and the court on being satisfied that he is the convict named in the licence and that the licence has been revoked, shall commit him to prison and forthwith send notice to the Secretary of State.

27 Power to issue warrants of arrest in certain cases

It is hereby declared that where at common law or under any Act, whether passed before or after the commencement of this Act, there is power to arrest a person without warrant, a warrant for his arrest may be issued.

28 Provisions as to evidence

- (1) The record or extract by which a conviction may be proved under section eighteen of the Prevention of Crimes Act, 1871, may in the case of a summary conviction consist of a copy of the minute or memorandum of the conviction entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879, purporting to be signed by the clerk of the court by whom the register is kept.
- (2) The provisions of section thirty of the Children Act, 1908 (which enables the evidence of a child of tender years to be received though not given on oath), shall apply to proceedings against persons for offences not mentioned in that section, in like manner as they apply in respect of proceedings against persons for offences mentioned in that section.
- (3) The wife or husband of a person charged with bigamy may be called as a witness either for the prosecution or defence and without the consent of the person charged.
- (4) In any proceedings before a court of summary jurisdiction to enforce the payment of a sum of money adjudged by that or any other court of summary jurisdiction to be paid by one person to another person, then—
 - (a) if the person to whom the sum is ordered to be paid was an officer of a court of summary jurisdiction, the production of a certificate purporting to be signed by that officer that the sum has not been paid to him ; and
 - (b) in any other case the production of a statutory declaration to a like effect purporting to be made by the person to whom the sum is ordered to be paid ;shall be evidence of the facts therein stated, unless the court requires such officer or other person to be called as a witness.

29 Power of justices to order production of documents

The provisions of section sixteen of the Indictable Offences Act, 1848, section seven of the Summary Jurisdiction Act, 1848, and section thirty-six of the Summary Jurisdiction Act, 1879, enabling a justice to issue a summons to any witness to attend to give evidence before a court of summary jurisdiction, shall be deemed to include the power to summon and require a witness to produce to such court books, plans,

papers, documents, articles, goods, and things likely to be material evidence on the hearing of any charge, information, or complaint, and the provisions of those sections relating to the neglect or refusal of a witness, without just excuse, to attend to give evidence, or to be sworn, or to give evidence, shall apply accordingly.

30 Periodical payments ordered by courts of summary jurisdiction

- (1) Where a court of summary jurisdiction orders money to be paid periodically by one person to another, the court may, if it thinks fit, order that the payment shall be made through an officer of the court or any other person or officer specified in the order.
- (2) Where a court of summary jurisdiction has either before or after the commencement of this Act ordered money to be paid periodically by one person to another, the court which made the order, or any other court of summary jurisdiction for the same petty sessional division, may, if it thinks fit, order that the payment shall be made through an officer of the court or any other person or officer specified in the order.
- (3) Any order made either before or after the commencement of this Act by a court of summary jurisdiction for the periodical payment of money may, upon cause being shown upon fresh evidence to the satisfaction of the court, be revoked, revived, or varied by a subsequent order.
- (4) Where a court of summary jurisdiction makes an order for the periodical payment of money through an officer of the court or other person or officer specified in the order, the authority having the control of the fund out of which the salary of the clerk of that court is paid may pay to that officer or person out of that fund, in manner provided by rules made by the Secretary of State, a sum not exceeding five pounds per centum on the money actually paid through him in pursuance of the order, as remuneration to him in respect of the work done and expenses incurred by him in respect of the order.
- (5) Nothing in this section shall prejudice or affect the powers and duties of courts of summary jurisdiction under the Affiliation Orders Act, 1914.

31 Costs

A court of summary jurisdiction to which an application is made for an order for the periodical payment of money, or for the variation, revocation, revival, or enforcement of such an order, may make an order for the payment by the applicant or the defendant, or both of them, of the costs of the court and such reasonable costs of either of the parties as the court thinks fit.

32 Recovery of arrears on bastardy orders, &c

- (1) It is hereby declared that, notwithstanding anything in section fifty-four of the Summary Jurisdiction Act, 1879, the provisions of section eleven of the Summary Jurisdiction Act, 1848 (which relate to the time within which summary proceedings are to be taken), do not apply to proceedings for enforcing the payment of sums adjudged to be paid by an order in any matter of bastardy or by an order enforceable as an order of affiliation.
- (2) Proceedings for the enforcement of an order in any matter of bastardy or of an order enforceable as an order of affiliation may be taken at any time after the expiration of fourteen clear days from the making of the order, and accordingly in section four of

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the Bastardy Laws Amendment Act, 1872, " after the expiration of fourteen clear days " shall be substituted for

“after the expiration of one calendar month.”

- (3) Where in any proceedings for the enforcement of an order" in any matter of bastardy or of an order enforceable as an order of affiliation the court commits the defendant to prison then, unless the court otherwise directs, no arrears shall accrue under the order during the time that the defendant is in prison.

33 Amendment of the law with respect to the recovery of rates

The provisions of the Summary Jurisdiction Acts relating to the backing of warrants, and of section forty-one of the Summary Jurisdiction Act, 1879, relating to the proof of service of documents and of the handwriting and seal on documents, shall apply to proceedings in respect of the non-payment of any rate.

34 Appointment and remuneration of and accounting by justices' clerks

- (1) Clerks to justices shall continue to be appointed as heretofore, but no appointment made after the commencement of this Act shall be valid unless and until it is confirmed by the Secretary of State, and the Secretary of State shall, before confirming any such appointment, take into consideration any representations that may be made to him, in the case of the appointment of a clerk to borough justices by the council of the borough, and in the case of the appointment of a clerk to county justices by the standing joint committee of the county.
- (2) Notwithstanding the provisions of any other general or local Act to the contrary, the salaries of clerks to justices shall be fixed and may from time to time be varied—
- (a) in the case of a clerk to borough justices, by the justices of the borough ; and
 - (b) in the case of a clerk to county justices, by the standing joint committee of the county : Provided that—
 - (i) in the case of the salary of a clerk to borough justices, the council of the borough ; and
 - (ii) in the case of the salary of a clerk to county justices, the county justices for whom the clerk acts ; and
 - (iii) in either case where the proposal is for a reduction of salary, the clerk to the justices may appeal to the Secretary of State against the decision of the justices or standing joint committee, as the case may be, and the amount of the salary shall thereupon be determined by the Secretary of State.
- (3) If the justices for any petty sessional division make representations to the standing joint committee of the county with a view to the variation of the salary of their clerk, the standing joint committee shall at a meeting of which special notice has been given take into consideration the question of varying the salary.
- (4) The authority by whom the salary of a clerk is fixed may allow him such special remuneration in addition to his salary as they may, subject to the approval of the Secretary of State, determine, in respect of any duties which were not taken into account in fixing his salary.
- (5) Nothing in the foregoing provisions of this section shall apply to clerks at metropolitan police courts nor to the clerks to the justices of the city of London nor. to the clerk

to any stipendiary magistrate other than a stipendiary magistrate appointed under the Municipal Corporations Act, 1882.

- (6) If any clerk to justices fails without sufficient reason to account for or pay over any sum within one month from the time when he was required to account for or pay over the sum under section six of the Justices' Clerks Act, 1877, he shall be deemed to have wilfully omitted to account for or pay over that sum within the meaning of that section, but no person shall sue for a sum recoverable under that section, as amended by this section, except the person or authority to whom the account or payment is required to be made.

35 Punishment for accusation, &c. of dead person with intent to extort

For the removing of doubts it is hereby declared that the enactments mentioned in the Third Schedule to this Act (which relate to divers forms of blackmail) apply to cases where the person is dead—

- (a) who is accused, or whom it is proposed to accuse ; or
- (b) upon whom any libel is published, or is threatened to be published ; or
- (c) touching whom it is threatened to print or publish, or it is proposed to abstain from printing or publishing, or it is offered to prevent the printing or publishing of, any matter or thing ; and accordingly the words " (whether living or dead) " shall be inserted after the word

“person” in those enactments as indicated in the third column of that schedule.

36 Corporal punishment

- (1) No person shall be sentenced to be whipped more than once for the same offence.
- (2) No person shall be sentenced to be whipped otherwise than under a statutory enactment.

37 Right of appeal from decision of court of summary jurisdiction

- (1) Any person aggrieved by any conviction of a court of summary jurisdiction in respect of any offence, who did not plead guilty or admit the truth of the information, may appeal from the conviction in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.
- (2) An appeal shall lie to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts from any order made by a court of summary jurisdiction under the enactments relating to bastardy, or from any refusal by a court of summary jurisdiction to make such an order, or from the revocation, revival, or variation by a court of summary jurisdiction of such an order.

38 One justice to be competent to exercise certain powers in respect of charges of drunkenness

Notwithstanding any enactment to the contrary, it shall be sufficient for a court of summary jurisdiction to consist of one justice only when hearing, trying, adjudging, and determining a charge or information against any person of having been found

drunk in any highway or other public place, whether a building or not, or on any licensed premises, under section twelve of the Licensing Act, 1872.

39 Convictions on indictments

- (1) Where a prisoner is arraigned on an indictment for any offence, and can lawfully be convicted on such indictment of some other offence not charged in such indictment, he may plead not guilty of the offence charged in the indictment, but guilty of such other offence.
- (2) If on the trial of any indictment for larceny it is proved that the defendant took any chattel, money, or valuable security in question in any such manner as would amount in law to obtaining it by false pretences with intent to defraud, the jury may acquit the defendant of larceny and find him guilty of obtaining the chattel, money, or valuable security by false pretences, and thereupon he shall be liable to be punished accordingly.

40 Rules

- (1) The power of the Lord -Chancellor to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to the making of rules—
 - (a) for regulating the manner in which convictions and orders of courts of summary jurisdiction are to be drawn up, and in such cases as may be provided for by the rules, the transmission of such convictions and orders and any other documents therewith to the clerk of the peace and the filing of them by him, and
 - (b) for annulling, altering, or adding to the forms contained in the schedule to the Indictable Offences Act, 1848, and
 - (c) for regulating the procedure of courts of summary jurisdiction under this Act, and the procedure in any legal proceedings which under any Act, whether general or local, and whether passed before or after the commencement of this Act (other than the Summary Jurisdiction Acts), are to be taken before any police or stipendiary magistrate or other court of summary jurisdiction.
- (2) His Majesty may, by Order in Council, make rules extending the operation of the Summary Jurisdiction (Process) Act, 1881, as amended by any subsequent enactment (which relates to the service and execution in Scotland of process issued by courts of summary jurisdiction in England, and in England of process issued by courts of summary jurisdiction and sheriff courts in Scotland, and to the jurisdiction of courts in England and Scotland respectively in bastardy proceedings), so as to make the provisions of that Act, subject to the necessary adaptations, applicable as between any one part of the British Islands and any other part of the British Islands in like manner as it applies as between England and Scotland. This subsection shall extend to the Isle of Man and the Channel Islands, and the Royal Courts of the Channel Islands shall register the same accordingly.

41 Definitions

For the purposes of this Act, unless the context otherwise requires,—

- (1) The expression "sentenced to imprisonment" shall include cases where imprisonment is imposed by a court on any person either with or without the option of a fine, or in respect of the non-payment of any sum of money, or for failing to do or abstaining

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from doing any act or thing required to be done or left undone, and the expression "sentence of imprisonment" shall be construed, accordingly :

- (2) The expressions " fine," " sum adjudged to be paid by a conviction," and "sum adjudged to be paid by an order," have the same meanings as in. the Summary Jurisdiction Act, 1879.

42 Application to Scotland

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

- (1) The Secretary for Scotland shall be substituted for the Secretary of State ; the Prison Commissioners for Scotland shall be substituted for the Prison Commissioners ; the Prisons (Scotland) Act, 1877, shall be substituted for the Prison Act, 1877 ; the Police (Scotland) Act, 1890, shall be substituted for the Police Act, 1890 ; an institution established in Scotland under Part I. of the Prevention of Crime Act, 1908, shall be substituted for a Borstal institution : a reference to a sum of money adjudged to be paid shall be deemed to be a reference to a penalty as defined in section two of the Summary Jurisdiction (Scotland) Act, 1908 :
- (2) Section one of this Act shall not apply and in lieu thereof the following provisions shall be substituted :—
- “(a) On conviction of any person by a court of summary jurisdiction the court shall allow time for the payment of any sum adjudged to be paid by such person in respect of such conviction, unless it is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason is satisfied that no time should be allowed ;
- (b) Where any such person desires to be allowed time for payment, the court, in deciding what time shall be allowed, shall consider any representation made by him, but the time allowed shall not be less than seven clear days :

Provided that, if before the expiration of the time allowed the person convicted surrenders himself to the court and states that he prefers immediate imprisonment to awaiting the expiration of the time allowed, the court may authorise the clerk of court to issue forthwith an extract of the finding and sentence in the form of the Second Schedule to this Act, and the provisions of the Summary Jurisdiction (Scotland) Act, 1908, shall apply to such extract as if it were one of the forms included in Schedule E. to that Act;

- (c) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit and subject to any rules made under this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and, in such case, before issuing an extract of the conviction and sentence, the clerk of court shall again lay the complaint before the court and the court shall consider any report as to the conduct and

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means of the offender which may be made by the person under whose supervision the offender has been placed ;

- (d) In all cases where time is not allowed for payment the reasons of the court, for not so allowing a time shall be stated in the finding and sentence”

- (3) Section two of this Act shall not apply, and in lieu thereof the following provisions shall be substituted :—

“Where time has been allowed for payment of a sum adjudged to be paid by any person in respect of his conviction "by a court of summary jurisdiction, the court may, subject to any rules made under this Act, on an application by or on behalf of such person, and after giving the prosecutor an opportunity of being heard, allow further time for the payment of such sum.”

- (4) Section three of this Act shall not apply :

- (5) Subsection (1) of section four of this Act shall apply as if references to proceedings for enforcing bastardy or maintenance orders were omitted therefrom. Subsection (2) of section four of this Act shall not apply :

- (6) Section five of this Act shall not apply : Provided that in Scotland a court of summary jurisdiction in fixing the amount of any fine to be imposed on any offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court :

- (7) Section six of this Act shall not apply :

- (8) Section ten of this Act shall not apply: Provided that in Scotland from and after such date as may be prescribed by the Secretary for Scotland section one of the Prevention of Crime Act, 1908, shall be construed as if after the words " penal servitude or imprisonment" there were inserted the words

“or”is convicted by the sheriff summarily of an " offence for which he is liable to be sentenced to " imprisonment " :

- (9) Section thirteen of this Act shall apply with the substitution of the expression

“an extract of the finding and sentence”for the expression " the order " :

- (10) Sections fourteen to twenty-five, both inclusive, subsections (1), (2), and (4) of section twenty-eight, sections twenty-nine to forty, both inclusive, and subsection (2) of section forty-one of this Act, shall not apply :

- (11) Provision may be made by rules under the Prisons (Scotland) Act, 1877, for enabling a prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period prescribed by the rules, to earn by special industry and good conduct a remission of a portion of his imprisonment, and on his discharge his sentence shall be deemed to have expired :

- (12) It shall be lawful for the High Court of Justiciary by Act of Adjournment to make rules for regulating the procedure under this Act.

43 Application to Ireland

- (1) The provisions of sections one to four inclusive, sections seven to twelve inclusive, sections sixteen to twenty-one inclusive, section twenty-four, subsection (2) of section twenty-five, sections twenty-six and twenty-seven, subsections (2) and (4) of section twenty-eight, sections thirty-five, thirty-six, and thirty-nine, and subsection (1) of section forty-one of this Act shall apply to Ireland, subject to the following modifications, namely :—
- (a) references to the Lord Lieutenant shall be substituted for references to the Secretary of State, and references to the General Prisons Board for Ireland shall be substituted for references to the Prison Commissioners ;
 - (b) a reference to the Prisons (Ireland) Acts, 1826 to 1907, shall be substituted for any reference to the Prison Acts, 1865 to 1902, and a reference to sections thirty-six, thirty-seven, thirty-eight, and thirty-nine of the General Prisons (Ireland) Act, 1877, shall be substituted for the reference to sections twenty-four, twenty-five, twenty-six, and twenty-seven of the Prison Act, 1877.
 - (c) references to the Court of Criminal Appeal, the Criminal Appeal Act, 1907, and the Costs in Criminal Cases Act, 1908, and the provision of section two of this Act relative to payment by instalments, shall not apply ; and
 - (d) subsection (2) of section twenty of this Act shall apply as respects the police district of Dublin metropolis only, and a reference to section twenty-one of the Indictable Offences (Ireland) Act, 1849, shall be substituted for the reference therein to section twenty-one of the Indictable Offences Act, 1848. (2; A court of summary jurisdiction, in fixing the amount of any fine to be imposed on an offender, shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court.
- (3) Proceedings for the recovery in a summary manner of a penalty for an offence under the Births and Deaths Registration Act (Ireland), 1880, may be commenced at any time within three years after the commission of the offence.
- (4) Where upon summary conviction an offender is adjudged to pay a penalty exceeding five pounds, the offender in case of non-payment thereof may without any warrant of distress be committed to prison for any term not exceeding the period for which he might be committed to prison in default of distress: Provided that where time is not allowed for the payment of the penalty a warrant of commitment shall not be issued in the first instance unless it appears to the court that the offender has no goods or insufficient goods to satisfy the penalty, or that the levy of distress would be more injurious to him or his family than imprisonment.
- (5) So much of section three of the Fines Act (Ireland), 1851, as requires that a warrant for the execution of an order of a divisional justice of the police district of Dublin metropolis for the imposition or levy of a penal sum shall be issued within one week from the making of the order, shall cease to have effect.
- (6) Upon any information or complaint laid or made before a divisional justice of the police district of Dublin metropolis of an offence punishable on summary conviction, if the person charged resides within the limits of that district, the justice shall, notwithstanding that the offence has been or is alleged to have been committed outside those limits, have all the like powers, jurisdiction, and authority as he has upon an information or complaint laid or made of a similar offence committed or alleged to have been committed within those limits.

- (7) So much of section twenty-two of the Petty Sessions (Ireland) Act, 1851, as relates to the liability of persons aiding, abetting, counselling, or procuring the commission of offences punishable on summary conviction shall, as amended by any subsequent enactment, extend to the police district of Dublin metropolis; and every person who aids, abets, counsels, or procures the commission of any such offence may be proceeded against and convicted in that district in any case where the principal offender may be convicted in that district, or where the offence of aiding, abetting, counselling, or procuring was committed in that district.
- (8) Section three (which relates to boards of visitors for convict prisons), section six (which relates to divisions of prisoners), section eleven (which relates to orders for production of prisoners), and, so far as respects sentences of imprisonment passed after the commencement of this Act, section twelve (which relates to calculation of term of sentence) of the Prison Act, 1898, shall, as amended by this Act, extend to Ireland subject to the following modifications, namely :—
- (a) references to the Lord Lieutenant shall be substituted for references to the Secretary of State ;
 - (b) references to rules made by the General Prisons Board for Ireland with the approval of the Lord Lieutenant and Privy Council under the General Prisons (Ireland) Act, 1877, shall be substituted for any references to prison rules or special prison rules ;
 - (c) a reference to section forty-nine of the General Prisons (Ireland) Act, 1877, shall be substituted for the reference to sections forty and forty-one of the Prison Act, 1877, and references to provisions of the Prison Act, 1865, or the Criminal Procedure Act, 1853, shall not apply.
- (9) For removing doubts it is declared that in section twenty-four of the General Prisons (Ireland) Act, 1877, and section three of the Prisons (Ireland) Amendment Act, 1884 (which relate to visiting committees of prisons), the expressions " grand jury " and " grand juries " respectively, include, in the case of the county of Dublin, a grand jury of that county impanelled at a commission of oyer and terminer and general gaol delivery.
- (10) The Lord Chancellor may make rules for the purposes of this Act regulating the procedure to be followed, and prescribing the forms to be used in summary proceedings and regulating and prescribing any other matter or thing which for the purposes aforesaid requires to be regulated or prescribed, and adapting to the requirements of this Act any forms relating to summary proceedings prescribed by or in pursuance of any other Act, and all rules so made shall be laid as soon as may be before both Houses of Parliament.
- (11) An appeal under section twenty-seven of the Dublin Police Act, 1837, section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851, or section twenty-four of the Petty Sessions (Ireland) Act, 1851, against a conviction of a court of summary jurisdiction in respect of an offence shall lie whatever may be the amount of the fine or the term of the imprisonment imposed.
- (12) Where a person convicted of an offence by a court of summary jurisdiction is committed to prison by the court under section ten of this Act without sentence he may appeal under the Summary Jurisdiction Acts against the conviction, and the provisions of those Acts with respect to appeals shall apply accordingly.
- (13) Upon any information, summons, or complaint laid or made" before a court of summary jurisdiction in Ireland wherein the defendant is called upon to show cause why such defendant should not be bound over to keep the peace or be of good

behaviour, the defendant shall be entitled to call witnesses and tender evidence at the hearing of the information, summons, or complaint.

- (14) Save as provided in this section, the foregoing provisions of this Act shall not extend to Ireland.

44 Short title, commencement, and repeal

- (1) This Act may be cited as the Criminal Justice Administration Act, 1914, and shall, save as otherwise expressly provided, come into operation on the first day of December nineteen hundred and fourteen.
- (2) The enactments mentioned in the Fourth Schedule _ to this Act are hereby repealed to the extent specified in the third column of that schedule.

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FIRST SCHEDULE

PART I

TABLE OF COURT FEES TO BE TAKEN BY CLERKS TO JUSTICES OF THE PEACE

| Indictable Offences : | £ | s. | d. |
|--|---|----|----|
| — | | | |
| For the performance of all the several duties in every case committed for trial to the assizes or sessions, without regard to the number of prisoners included in the same charge | 1 | 5 | 0 |
| (This fee does not cover taking recognizances or giving notice to the accused and his sureties when admitted to bail ; nor attending to take the deposition of a witness prevented by sickness or otherwise from appearing in court ; nor supplying a copy of depositions. In cases of dismissal the separate fees for information, &c, are chargeable.) For the performance of all the several duties (including commitment) in respect of any indictable offence dealt with summarily without regard to the number of persons charged in each case, and whether there is a conviction or not | 0 | 15 | 0 |
| Summary Adjudications :— | | | |

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| | | | |
|---|---|----|---|
| For the performance of all the several duties up to and including conviction in respect of any charge for an offence (other than an indictable offence) punishable on summary conviction | 0 | 4 | 0 |
| Elementary Education Acts :— | | | |
| Proceedings under the Acts, in each case, including summons, order, and conviction | 0 | 4 | 0 |
| Distress warrants (if any) | 0 | 1 | 0 |
| Committal (if any) | 0 | 1 | 0 |
| For services not covered by the foregoing fees the following fees may be charged:— | | | |
| Appointment :— | | | |
| Of parochial or other officers (except constables), to contain the names of all the persons appointed at the same time to the same office in the parish, hamlet, or place, including notice and oath when necessary | 0 | 5 | 0 |
| Of any constable (other than special) | 0 | 1 | 0 |
| Of valuer, arbitrator, &c. | 0 | 10 | 0 |
| Of special constables, if less than 28, for each person, to include notice, oath, and certificate - | 0 | 1 | 0 |

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| | | | |
|---|---|----|---|
| If more than 28 are appointed on one occasion, for attending to summons, swear in, and make out appointments, and the business thereof, for each day | 2 | 2 | 0 |
| Army Act, 1881 (44 & 45 Vict. c. 58) | | | |
| Attestation of recruit (section 80 (4) (d)) | 0 | 1 | 0 |
| Descriptive return in relation to deserter (section 154 (6)) | 0 | 2 | 0 |
| Certificate of civil conviction or acquittal (section 164) | 0 | 3 | 0 |
| Warrant to provide carriages (section 112) | 0 | 1 | 0 |
| Attendance :— | | | |
| On a justice, to view deserted premises in order to affix notice or to give possession thereof, to view a highway, bridge, or nuisance, or to take an examination elsewhere than in court | 0 | 6 | 8 |
| If required to go more than one mile from the place of holding petty sessions, for each mile after the first (one way) | 0 | 1 | 0 |
| Case for the Opinion of Superior Court (20 & 21 Vict. c. 43, section 3) :— | | | |
| Drawing case and copy, when the case | 0 | 10 | 0 |

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| | | | |
|---|---|----|---|
| does not exceed five folios of 90 words | | | |
| For every additional folio beyond five | 0 | 1 | 0 |
| Taking recognizance as required by the Act | 0 | 5 | 0 |
| Every enlargement or renewal thereof | 0 | 2 | 6 |
| For certificate of refusal of case | 0 | 2 | 0 |
| Certificate :— | | | |
| Every certificate not otherwise charged | 0 | 2 | 0 |
| Certiorari :— | | | |
| Return to and filing | 0 | 13 | 4 |
| Civil Debt (not including Rates) :— | | | |
| summons and copy | 0 | 1 | 6 |
| Complaint | 0 | 1 | 0 |
| Order and copy | 0 | 3 | 0 |
| Oath (each witness) | 0 | 1 | 0 |
| Judgment summons and copy, including hearing | 0 | 3 | 0 |
| Warrant of distress | 0 | 2 | 0 |
| Commitment, (See Warrant.) | | | |
| Complaint :— | | | |
| Every complaint not otherwise charged | 0 | 1 | 0 |
| Conviction :— | | | |
| Every conviction, including returning same to the court (to include all persons convicted on the same charge, except in cases where all persons convicted on the same charge cannot be included in the same conviction) | 0 | 2 | 6 |

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| | | | |
|---|--------------------------------|----|-----|
| Copy :— | | | |
| Of depositions for prosecutor on the trial, per folio of 90 words | 0 | 0 | 4 |
| Of depositions for prisoner, under 11 & 12 Vict. c. 42. s. 27, per folio of 90 words, not exceeding | 0 | 0 | 1 ½ |
| Of any other document, per folio of 72 words | 0 | 0 | 4 |
| Duplicate :— | | | |
| For the duplicate of any document | (One-half the)original (fee. | | |
| Examination. (See Information.) | | | |
| Exhibit :— | £ | s. | d. |
| Each document annexed to or referred to in any affidavit or declaration and marked | 0 | 1 | 0 |
| Explosives Act, 1875 (38 Vict. c. 17) :— | | | |
| Store licence (s. 15), not exceeding ... | 0 | 5 | 0 |
| Store licence, renewal (s. 18), not exceeding | 0 | 1 | 0 |
| Registering premises (s. 21), not exceeding | 0 | 1 | 0 |
| Registering premises, renewal, not exceeding | 0 | 1 | 0 |
| Small firework factory (s. 49) licence, not exceeding | 0 | 5 | 0 |
| Small firework factory (s. 49) licence, renewal, not exceeding | 0 | 1 | 0 |

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| | | | |
|--|---|---|---|
| Extradition Act, 1873 (36 & 37 Vict. c. 60. s. 5) :— | | | |
| For taking a deposition in pursuance of an order made by the Secretary of State | 1 | 1 | 0 |
| Each subsequent deposition taken in pursuance of the same order | 0 | 5 | 0 |
| Hearing :— | | | |
| When no conviction or order is made | 0 | 1 | 0 |
| Information :— | | | |
| Each information or examination (including oath) | 0 | 1 | 0 |
| Jury Lists :— | | | |
| For forwarding lists with schedule to the clerk of the peace (25 & 26 Vict. c. 107. s. 9) | 0 | 2 | 6 |
| Revision tee to be fixed by the local authority subject to approval of Secretary of State. | | | |
| Licences :— | | | |
| For every licence, consent, or authority not otherwise provided for, to include registration when necessary | 0 | 5 | 0 |
| List :— | | | |
| Every list not otherwise provided for which it is the duty of the clerk to the justices to make or transmit | 0 | 2 | 6 |
| Notice :— | | | |

Status: This is the original version (as it was originally enacted).

| | | | |
|--|---|---|---|
| Every notice not otherwise provided for | 0 | 1 | 0 |
| Oath :— | | | |
| Every oath, affirmation, or solemn declaration not otherwise charged | 0 | 1 | 0 |
| (Vide note at end of table.) | | | |
| Order :— | | | |
| Order, certificate, or record of proceedings in case of deserted premises, or relating to a highway, bridge, or nuisance, or for protecting separate property of a married woman | 0 | 5 | 0 |
| Order as to the settlement, removal, or maintenance of a pauper or lunatic, or in case of fraudulent removal of goods | 0 | 5 | 0 |
| Order for payment of allowance to special constables (one order to include all the constables appointed) | 0 | 2 | 0 |
| Every order or minute thereof not otherwise charged | 0 | 3 | 0 |
| Order as to the affiliation of a bastard or under the Summary Jurisdiction (Married Women) Act, 1895 | 0 | 2 | 0 |
| Variation, revocation, or revival of order | 0 | 1 | 0 |
| Precept :— | | | |
| Every prec | 0 | 1 | 6 |
| Rate :— | | | |

Status: This is the original version (as it was originally enacted).

| | | | |
|---|---|---|---|
| Amending a rate, each name | 0 | 1 | 0 |
| Taxing costs and order thereon | 0 | 3 | 0 |
| Order on appeal | 0 | 5 | 0 |
| Order for adjourning appeal, if required | 0 | 1 | 0 |
| Allowance of rate | 0 | 2 | 0 |
| Enforcement of any poor, general district, or other rate, to include complaint, summons, and all other proceedings for which separate fees are not provided hereunder | 0 | 2 | 0 |
| Order | 0 | 2 | 0 |
| Warrant of distress | 0 | 2 | 0 |
| Judgment summons (including hearing) | 0 | 2 | 6 |
| Summons (if any) in poor rate cases to show cause why defaulter should not be committed - | 0 | 2 | 0 |
| Commitment | 0 | 2 | 0 |
| If more than one rate is included in the summons, for each rate after the first - | 0 | 0 | 6 |
| When the form of warrant provided for by 12 & 13 Vict. c. 14. s. 3. is used, for each name inserted in the schedule over and above eight | 0 | 0 | 3 |
| Recognizance .— | | | |
| Every recognizance | 0 | 2 | 6 |
| .Notice to each person bound | 0 | 0 | 6 |
| Summons:— | | | |

Status: This is the original version (as it was originally enacted).

| | | | |
|--|---|---|---|
| Every summons (to include all the names included in the same charge or intended to be summoned as witnesses in the same case for the prosecution or defence if applied for at the same time) | 0 | 1 | 0 |
| Every copy | 0 | 0 | 6 |
| Backing summons for service from outside jurisdiction | 0 | 1 | 0 |
| Warrant :— | | | |
| Every warrant of distress when not otherwise provided for | 0 | 2 | 0 |
| To commit after conviction or order in which the conviction or order is set forth - | 0 | 2 | 0 |
| Every other warrant | 0 | 1 | 0 |
| Return to warrant or endorsing warrant, including oath | 0 | 1 | 0 |
| Backing warrant for execution from outside jurisdiction | 0 | 1 | 0 |

Note,—Nothing herein contained shall be construed to authorise the demand of any fee for re-swearing any person to any examination, or for any oath, affirmation, or declaration to obtain pay, pension, or allowance from government or friendly society, or charitable fund, or for any declaration relating to lost duplicates of articles pledged where the amount advanced on such articles does not exceed 20s., or in any other case where an Act of Parliament directs that no fee shall be taken.

PART II

MATTERS TO WHICH PART I DOES NOT APPLY

- 1 Matters in respect of which fees are authorised to be charged by the Licensing (Consolidation) Act, 1910 (10 Edw. 7 and 1 Geo. 5. c. 24).
- 2 Billiard licences, under section ten of the Gaming Act, 1844 (8 & 9 Vict. c. 109).
- 3 Theatre licences, under section six of the Theatres Act, 1843 (6 & 7 Vict. c. 68).

- 4 The registration of music and dancing licences under section fifty-one of the Public Health Act, 1890 (53 & 54 Vict. c. 59).
- 5 Licences under the Cinematograph Act, 1909 (9 Edw. 7. c. 30).
- 6 Assessment appeals under the Valuation Metropolis Act, 1869 (32 & 33 Vict. c. 67).
- 7 E'ormal investigations into shipping casualties under section four hundred and seventy-nine of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60).
- 8 Appeals from pilotage authority under section twenty-eight of the Pilotage Act, 1913 (2 & 3 Geo. 5. c. 31).

SECOND SCHEDULE

Sentence £ _____, fine payable within _____ days or _____ days' imprisonment. In respect of which sentence the accused, having surrendered himself to the court and stated that he prefers immediate imprisonment to waiting the expiration of the time allowed, warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until such fine is paid, but not exceeding _____ days from the date of imprisonment

THIRD SCHEDULE

AMENDMENT OF ENACTMENTS RELATING TO BLACKMAIL

| Session and Chapter. | Short Title. | Amendment of Enactment by insertion of words “(whether living or dead).” |
|-----------------------------|-----------------------|---|
| 6 & 7 Vict. c. 96. s. 3. | The Libel Act, 1843 - | After the words " any libel upon any other person," and " any " matter or thing touching any " other person." |
| 24 & 25 Vict. c. 96. s. 46. | The Larceny Act, 1861 | After the words "to accuse any other person." |
| s. 47. | | After the words "or any other person." |
| s. 48. | | After the words " accuse any person." |

Status: This is the original version (as it was originally enacted).

FOURTH SCHEDULE

ENACTMENTS REPEALED

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|-----------------------|---|--|
| 3 Geo. 1. c. 10. | An Acte for the rating and levying of the charges for conveying Malefactors and Offenders to the Gaole. | The whole Act so far as unrepealed. |
| 15 Geo. 2. c. 24. | The Justices Commitment Act, 1741. | The whole Act. |
| 26 Geo. 2. c. 14. | The Justices' Clerks' Fees Act, 1753. | The whole Act. |
| 27 Geo. 2. c. 3. | The Offenders (Conveyance) Act, 1754. | The whole Act so far as unrepealed. |
| 27 Geo. 2. c. 16. | The Justices' Clerks' Fees (Middlesex) Act, 1754. | Section four. |
| 54 Geo. 3. c. 170 | . The Poor Relief Act, 1814. | Section twelve from " and if sufficient distress " to the end of the section. |
| 7 Geo. 4. c. 74. | The Prisons (Ireland) Act, 1826. | In section six, the words " hereinafter enumerated," and from "provision shall be made," to " vagrants," section one hundred and nine. |
| 1 & 2 Will. 4. c. 44. | The Tumultuous Risings (Ireland) Act, 1831. | In sections two, three, four, five and six, the words "twice or thrice." |
| 5 & 6 Will. 4. c. 50. | The Highway Act, 1835 | Section one hundred and ten, so far as it relates to clerks to justices. |
| 5 & 6 Vict. c.28. | The Capital Punishment (Ireland) Act, 1842. | In section eight, the words " twice or thrice." |
| 5 & 6 Vict. c. 51. | The Treason Act, 1842 | In section two, the words " as often and " and " not exceeding thrice." |
| 11 & 12 Vic c. 42. | The Indictable Offence Act, 1848. | is Section twenty-six from " Provided nevertheless " to the end of the section. |
| 11 & 12 Vic c. 43. | The Summary Jurisdiction Act, 1848. | In section fourteen the words from "and the conviction or " order shall afterwards be " drawn up" to " quarter sessions of the peace." |

Status: This is the original version (as it was originally enacted).

| | | |
|----------------------|---|---|
| | | <p>Section twenty-one the words " and conveying of a defendant to prison." Section twenty-three from " and also the costs " to " think fit so to order." Section twenty-five from " and it shall be lawful " to the end of the section.</p> |
| 13 & 14 Vict c. 101. | The Poor Law Amendment Act, 1850. | In section seven the words " by " the justices of the peace " at their respective general " quarter sessions." |
| 14 & 15 Vict c. 55. | The Criminal Justice Administration Act, 1851. | Section nine, except so far as that section relates to-clerks of the peace. |
| 14 & 15 Vict. c. 93. | The Petty Sessions (Ireland) Act, 1851. | In section twenty-two, paragraph (6). |
| 20 & 21 Vict. c. 43. | The Summary Jurisdiction Act, 1857. | In section three the words from " which fees" to " section-thirty," and Schedule A. |
| 24 & 25 Vict. c. 97. | The Malicious Damage Act, 1861. | In section fifty-one the words " the damage, injury, or spoil " being to an amount exceeding " five pounds " and sections ' fifty-two and fifty-three, so far as those words and sections relate to England. |
| 26 & 27 Vict. c. 44. | The Garrotters Act, 1863, | In section one, the words "twice or thrice." |
| 39 & 40 Vict. c. S6. | The Customs Consolidation Act, 1876. | Section two hundred and forty-six and the table of fees therein referred to, so far as the same relate to England. |
| 39 & 40 Vict. c. 61. | The Divided Parishes and Poor Law Amendment Act, 1876 | Section thirty-two. |
| 40 & 41 Vict. c. 21. | The Prison Act, 1877 | Sections twenty-four, twenty-five, twenty-six, twenty-seven, and forty-one, and in section fifty-seven the words " in respect of " his conveyance to prison or " otherwise." |

Status: This is the original version (as it was originally enacted).

| | | |
|----------------------|--|---|
| 40 & 41 Viet, c. 43. | The Justices' Clerks Act, 1877. | Section eight. |
| 40 & 41 Vict. c. 49. | The General Prisons (Ireland) Act, 1877. | Sections thirty-six, thirty-seven, thirty-eight, thirty-nine, and forty-eight, in section three, the words " in respect of his " conveyance to prison or " otherwise," in section twelve, from " no rule " to the end of the section. |
| 42 & 43 Vict. c. 49. | The Summary Jurisdiction Act, 1879. | Section five from " And such imprisonment " to the end of the section. Section fourteen. Section eighteen. Subsections (3) and (4) of section twenty-one. Subsection (2) of section twenty-two from " but nothing in this section" to the end of that subsection. Paragraph (6) of section twenty-seven. |
| 61 & 62 Vict. c. 41. | The Prison Act, 1898. | Subsection (4) of section six and section nine. |
| 4 Edw. 7. c. 15. | The Prevention of Cruelty to Children Act, 1904. | Section fifteen. |
| 7 Edw. 7. c. 17. | The Probation of Offenders Act, 1907. | Subsection (2) of section two, and section five. |
| 8 Edw. 7. c. 59. | The Prevention of Crimes Act, 1908. | In subsection (2) of section six from " and at latest within three months" to the end of that subsection. |

DEPARTMENTAL COMMITTEE ON REFORMATORY AND
INDUSTRIAL SCHOOLS IN NORTHERN IRELAND.

REPORT

OF THE

DEPARTMENTAL COMMITTEE

ON

Reformatory and Industrial Schools
in Northern Ireland.

*PRESENTED BY COMMAND OF HIS GRACE THE
GOVERNOR OF NORTHERN IRELAND.*



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2

10 OCEAN BUILDINGS,
DONEGALL SQUARE EAST,
BELFAST,

9th June, 1923.

SIR,

I am directed by the Chairman of the Committee appointed by you on the 9th January last to enquire into Reformatory and Industrial Schools and the provision of a Borstal Institution in Northern Ireland to submit herewith a copy of the Report which is signed by every member of the Committee. It is understood, however, there will be a reservation by one member of the Committee which will no doubt be sent to you as soon as possible.

I am, Sir

Your obedient Servant,

R. CLARKE,
Secretary to the Committee.

THE RIGHT HONOURABLE,
SIR RICHARD D. BATES, M.P.,
Minister of Home Affairs
for Northern Ireland,
Belfast.

OCEAN BUILDINGS,
DONEGALL SQUARE EAST,
BELFAST,

11th June, 1923.

SIR,

I am directed by the Minister of Home Affairs to acknowledge the receipt of your letter of the 9th instant, forwarding a copy of the report of the Departmental Committee on Reformatory and Industrial Schools in Northern Ireland.

I am, Sir,

Your obedient Servant,

S. WATT.

The Secretary,
Departmental Committee on Reformatory
and Industrial Schools in Northern Ireland,
10 Ocean Buildings,
Belfast.

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WARRANT OF APPOINTMENT.

I hereby appoint :

MR. T. MOLES, M.P.,
MR. D. A. CHART, D.LITT.
COLONEL W. R. DAWSON, M.D., O.B.E.
MR. W. A. HOUSTON, M.A.,
MR. ALEXANDER MISCAMPBELL, J.P.,
MR. SAMUEL M'GUFFIN, M.P.,
COLONEL J. MORWOOD, M.D.,
REV. J. MURPHY, ADM.,
MR. J. D. WILLIAMSON, J.P., M.D., M.CH.
MRS. BARBARA CAREY, J.P., and
MISS FLORENCE F. CLARK

to be a Committee to enquire into the number and character of committals to Reformatory and Industrial Schools in Northern Ireland ; into the care of boys and girls after leaving the Schools ; into the financial position of the Schools, including the cost of maintenance ; into the proportion that should be borne by the Exchequer and Local Authorities, respectively, of the cost of the Schools ; into the extent to which a proper contribution is obtained from parents ; and into the question of the provision of a Borstal Institution for youthful offenders committed in Northern Ireland.

And I appoint Mr. Moles to be Chairman and Mr. R. Clarke, of the Ministry of Home Affairs, to be Secretary of the Committee.

(Signed) R. DAWSON BATES,
Minister of Home Affairs for Northern Ireland.

BELFAST,

9th January, 1923.

To the RT. HONOURABLE SIR RICHARD DAWSON BATES, M.P.,
Minister of Home Affairs for Northern Ireland.

Sir,

We, the Committee appointed by you to conduct an enquiry concerning Reformatory and Industrial Schools and the provision of a Borstal Institution in Northern Ireland, have the honour to present the following report :—

1. The Committee held 18 meetings and sat upon 13 days, on five days of which two meetings were held, to hear evidence and to consider their report. We examined 21 witnesses, amongst whom were representatives of the Ministry of Home Affairs, of the Ministry of Education, of the County Borough of Belfast, of the County Council of Antrim, the Commissioner of Police and the Chief Clerk of Petty Sessions for Belfast, representatives of the Balmoral Industrial School, of the Malone Reformatory, of Shamrock Lodge Industrial School, and Rev. Bro. Joseph M. Hannigan, B.A., former Manager of Milltown Industrial School, whose evidence covered the general ground of the various Industrial Schools associated with the Roman Catholic faith. Invitations to submit evidence were sent to the County Councils of Armagh, Down, Fermanagh, Londonderry and Tyrone, and the County Borough of Londonderry, but none of these bodies submitted either written or oral evidence to the Committee, possibly because of the fact that in most cases a regular meeting of Council could not be held in time to give authority. The general ground of our enquiry was, however, covered by the various witnesses who were examined before us. In addition members of the Committee visited both the Reformatories and nearly all the Industrial Schools within the Belfast area, and observed for themselves the daily routine carried out in the care and training of the young people entrusted to them.

2. It was not convenient for the Resident Magistrates of Northern Ireland to appear before us, but a very comprehensive questionnaire embracing all the points upon which it was thought they could give information was addressed to each of them. Their replies in full are attached as an appendix to this Report on page 54.

3. Speaking generally, their view confirms the conclusions which we had reached upon other evidence before us. We share their opinion that no facilities should be given to parents for evading the duties and responsibilities which they owe to their offspring. We concur in the view that no Institutional training can be a proper substitute for home influences and training, provided always that these are reasonably wholesome and healthy, though the parents may be poor. It has been suggested that in rural areas the provisions of the Children Act, 1908, have not been as thoroughly enforced as they might be. But it is also pointed out that the conditions prevalent during the past few years have forced the police to concentrate on more serious and insistent duties. It is anticipated that closer attention will be given to this matter under the improved state of affairs which now prevails.

4. We are of opinion that in every case brought before them magistrates should insist upon thorough investigation of all the circumstances. Committals should only be made where it is clear that the interests of the child and the public welfare necessitate such.

If the parents are able to contribute to the maintenance of a child committed they should be compelled to do so to the full extent of their ability. Laxity in this respect can have no result except to induce the belief that it pays parents to expose their children to criminality and vice, and in that way make them a charge upon the State and local authorities. We are further of opinion that the collection of parental contributions imposed by the Magistrates should be more firmly insisted upon. In view of the smallness of the maintenance orders imposed, we find difficulty in believing that payment is insisted upon to the full extent that it might be. Here again if laxity be permitted the consequences are obvious.

5. The whole administration is, we think, capable of being tightened up and calls for that closer supervision which the improved state of law and order now renders practicable, in a way not possible in recent years.

6. Concerning the question as to whether a Borstal Institution should be provided in Northern Ireland, valuable information was furnished from official sources, and we had the evidence of Mr. Drysdale, who was a former governor of a Borstal Institution in Scotland, and Mr. Crowe, who was for several years connected with the Borstal Institution at Clonmel.

EARLY HISTORY OF REFORMATORY AND INDUSTRIAL SCHOOLS, IRELAND.

7. The first legislation on the subject of these Schools in Ireland was the Act of 1858 (21 & 22 Vic. c. 103), entitled "An Act to promote and regulate Reformatory Schools for Juvenile offenders in Ireland." This Act was 10 years in operation and was then repealed by the Act of 1868 (31 & 32 Vic. c. 59), which, with some small amendments, regulated Reformatory Schools in Ireland up to the passing of the Children Act in 1908. The principal amending Acts were: The Act of 1893 (56 & 57 Vic. c. 48), which gave discretionary power to the court to commit a child over 12 years of age or a child under 12 who had been previously convicted with or without a previous term of imprisonment; the Act of 1899 (62 & 63 Vic. c. 12), which ended the option of sending young offenders to Prison before committing them to Reformatories; and the Youthful Offenders Act of 1901 (1 Ed. VII. c. 20), which laid down that a child could not by the same sentence be committed to a Prison and a Reformatory, and that no child under 12 could be sent to a Reformatory unless previously convicted. All these distinctions were, however, swept away by the Children Act, 1908 (8 Edw. VII. c. 67) and no child under 12, whether previously convicted or not, can now be sent to a Reformatory. Children committed to a Reformatory must be between the ages of 12 and 16, and can be kept there until they reach the age of 19 years.

8. The Irish Industrial Schools were established ten years later than the Reformatory Schools by the Irish Industrial Schools Act of 1868 (30 and 31 Vic. c. 25). The Act deals with those wandering and begging in the streets and those without protectors, or without any visible means of obtaining a livelihood.

9. The grounds of committal as amended by the Acts of 1871 and 1880 (34 & 35 Vic. c. 112 and 43 & 44 Vic. c. 15) were briefly :

- (a) Begging or receiving alms.
- (b) Found wandering without a settled place of abode or proper guardianship or visible means of subsistence.
- (c) Found destitute, either being an orphan or having a surviving parent in prison.
- (d) Frequenting the company of reputed thieves.
- (e) Living with common or reputed prostitutes or frequenting their company.

10. Under the Employment of Children Act, 1903 (3 Ed. VII. c. 45) a child may be sent to an Industrial School for a second or subsequent contravention of the Bye-Laws made under this Act.

11. The Children Act of 1908 (8 Edw. 7, c. 67) repealed and re-enacted with modifications the above Acts. It revised and in some respects extended the classes of children who can be sent to Industrial Schools.

12. Children can be committed to an Industrial School at any age under 14 years, and can be ordered to be kept there until they reach the age of 16 years. The Government contribution is, however, only paid in respect of children between the ages of 6 and 16 years.

13. Up to 1870, the Vote being administered by a Director of Convict Prisons, the cost of Reformatories was provided for under the head of "Government Prisons and Reformatories," but, on the appointment of Sir J. Lentaigne, C.B., who was then Inspector General of Prisons, as an Inspector of Reformatory and Industrial Schools, it was included under the head of "County Prisons and Reformatories." Since the passing of the General Prisons Act of 1877 a separate Vote for "Reformatory and Industrial Schools, Ireland," has been taken, and was accounted for by the Chief Secretary's Office, Dublin.

14. The first Vote for Reformatory Schools in Ireland was for the financial year 1859-60, and amounted to £4,000. The first Vote taken for Industrial Schools was for 1869-70, and amounted to £6,500, but of that sum only £568 was expended in 1869. The estimate for 1921-22 for all Ireland amounted to £132,561, while the estimate for the last financial year, 1922-23, for Northern Ireland amounted to £15,600. The estimate for current financial year amounts to £13,280 for Northern Ireland.

POWERS OF MINISTER OF HOME AFFAIRS.

15. The Children Act, 1908, which consolidated and amended the Acts relating to these schools, really governs the administration of the schools at present. By the section applying it to Ireland (Sec. 133) the Chief Secretary for Ireland was substituted for the Secretary of State. Under the Government of Ireland Act, 1920, and the Orders made thereunder, the Minister of Home Affairs for Northern Ireland is substituted for the Chief Secretary as regards schools situated in Northern Ireland.

16. The Minister has, so far as Northern Ireland is concerned, the powers and duties of the Secretary of State in England. He certifies schools (section 45); approves of school rules (section 54); sanctions alterations in buildings (section 55); discharges (with or without

conditions) or transfers inmates (section 69); sanctions the disposal of a child by emigration (section 70); decides, with the approval of the Minister of Finance for Northern Ireland, the amount of the Government contributions towards the expenses of children (section 73); remits payments ordered to be made by the parent (section 75); may send an offender conditionally pardoned to a reformatory school (section 84); and makes various orders and regulations.

INSPECTION OF SCHOOLS.

17. Under the Ministries of Northern Ireland Act, 1921, the Reformatory and Industrial Schools Branch is now an integral part of the Ministry of Home Affairs. The inspection of the schools as regards the health and condition of the inmates is carried out by Lt.-Col. W. R. Dawson, M.D., O.B.E., Principal Medical Officer to the Ministry, and the appointment of other officers of the Ministry as Assistant Inspectors to help him in his work is, we understand, now under consideration. The inspection of the schools as regards the literary qualifications of the boys and girls is carried out by Inspectors of the Ministry of Education by an arrangement with that Ministry.

18. As regards technical inspection, it was the practice of the Department of Agriculture and Technical Instruction for Ireland to allow their Inspectors to visit the Schools. Technical Instruction is now attached to the Ministry of Education, and their Inspectors visit the schools and test the work done as regards drawing and manual instruction.

19. The training in Boys' Schools, besides the literary instruction which corresponds with that of the National Schools, includes training in carpentry, tailoring and bootmaking. Agriculture and Gardening are taught where land is available. Manual instruction is given and drawing, physical drill and music are taught in most schools. The Girls are trained in housework, cookery, needlework, dressmaking and laundry work. Games are encouraged for both boys and girls.

GRANTS.

20. The allowance paid in respect of children in Reformatory Schools under Act of 1858 was originally 7/- per head per week. This was reduced to 6/- in 1862. The allowance paid for children in Industrial Schools was fixed after the Act of 1868 at 5/- per head per week. Both rates have remained unchanged except that during the war a temporary war bonus of from 2/- to 2/6 per head per week was granted on condition that the local authorities contributed an equal amount, and this bonus is still paid.

21. As regards the grants by Local Authorities, the Children Act made one important alteration in the law which should be noted here. Formerly any local authority could contribute to the cost of maintaining children in a Reformatory or Industrial School, but the Children Act imposed upon the local authority the duty of providing for the reception and maintenance of a young person or child in these Schools. Only one local authority—The Belfast Corporation—has provided an Industrial School, viz., Balmoral. The others have entered into arrangements with Managers of Certified Schools and the local rates of contribution are from 4/- to 5/- per child

per week, with the exception of Balmoral, where the rate for the local authorities outside Belfast who avail themselves of this school is 18/- per child per week, which is based on the actual cost of maintenance. A table of the existing Government grants will be found in the appendix to this Report on page 37.

22. It may be noted that it is only since the Northern Government came into being that Reformatory schools for R. C. boys and girls and Protestant girls have been certified in Northern Ireland.

BUILDINGS, ETC.

23. An Act of 1881 (44 & 45 Vict. cap. 29) gave Grand Juries and certain Town Councils power to contribute towards the building, etc., of Reformatories, and authorised them to borrow money from the Board of Works to the extent of £5,000 for that purpose, and an Act of 1885 (48 & 49 Vict. cap. 19) gave them a similar power as regards Industrial Schools. The Children Act repealed 44 and 45 Vict. cap. 29 and 48 and 49 Vict. cap. 19, but contains provisions under which the Councils of Counties and County Boroughs may borrow money for establishing, building, altering, etc., Reformatory and Industrial Schools. Figures are not available showing the amounts borrowed under the above Acts for building, etc., but broadly speaking the buildings have been erected and the land purchased out of private or charitable funds.

PARENTAL CONTRIBUTIONS.

24. Section 75 (1) of the Children Act, 1908, continues the policy of the older Acts and makes the parent of a child in a Reformatory or Industrial School liable to pay a sum not exceeding the sum declared by Order in Council to represent approximately the average cost of maintenance of the child. An Order in Council was accordingly made on the 23rd April, 1909, fixing the cost of maintenance in Reformatory Schools at 6/- per head per week and Industrial Schools at 5/- per head per week. Contributions at this scale have rarely been recovered. Under Section 75 (2) of the Act, the Court making a Detention Order is to make at the same time an order fixing the parental contributions unless the Court considers that it is not in possession of the necessary information. In the latter case any Court of Petty Sessions having jurisdiction where the parent resides may on complaint being made by the Inspector of Reformatory and Industrial Schools make an order fixing the parental contribution.

25. Every case of committal is enquired into, and in any case where no order for parental contribution has been made, and the Police are satisfied that the parent is able to contribute, action is taken at once under Section 75 (2) (b) of the Act. Cases where the parent is not able to contribute at the time of the child's committal but may be able to contribute later are brought up at regular intervals for further enquiry and consideration.

26. The parental contribution is valuable as a recognition of parental responsibility, and it is important that these contributions should be enforced where this can be done without hardship. It also acts as a salutary check upon those who might resort to desertion in order to

escape liability and throw their offspring as a burden upon the general public. The following is a return of the monies thus collected for the year ended 31st December, 1922, in Northern Ireland :—

| | Gross | | | 20% Commission | | | Net. | | |
|-----------------------|-------------|----------|----------|----------------|-----------|----------|-------------|----------|----------|
| | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| Reformatories .. | 213 | 8 | 0 | 42 | 10 | 9 | 170 | 17 | 3 |
| Industrial Schools .. | 346 | 16 | 0 | 69 | 5 | 0 | 277 | 11 | 0 |
| TOTAL .. | £560 | 4 | 0 | £111 | 15 | 9 | £448 | 8 | 3 |

AFTER CARE.

27. Under the Children Act (Section 68) youthful offenders discharged from a Reformatory before the age of 19 and children discharged from an Industrial School before the age of 18 remain under the supervision of the Manager until they attain the ages mentioned.

28. The results of Reformatory and Industrial School training have been very creditable. The Ministry of Home Affairs for Northern Ireland has not yet been able to collect figures as regards Northern Ireland Schools, but the following figures relating to all Ireland taken from the last report available of the Inspector of Reformatory and Industrial Schools for Ireland are of interest :—

" The results of Reformatory Schools as regards the number in regular employment, convicted, and unknown at the end of 1920, of those discharged during the years 1917, 1918 and 1919, were as follows :—

The total number discharged during those three years omitting deaths, transfers and illegal committals, was 503, viz., boys 453, girls 50.

Of the 453 boys, 13 had since died, leaving 440 to be reported upon.

Of these—

371 or about 84.32 per cent. were reported to be in regular employment.

40 or about 9.09 per cent. were reported to be in casual employment.

20 or about 4.54 per cent. were reconvicted.

9 or about 2.04 per cent. were unknown.

Of the girls one had since died, leaving 49 to be reported upon. Of

these—

46 or about 93.88 per cent. were reported to be in regular employment

3 or about 6.12 per cent. were reconvicted.

The information which the figures given above afford is very satisfactory.

The number re-convicted is very slightly in excess of the number convicted in the previous year."

" The results of Industrial Schools for the three years 1917, 1918 and 1919 as collected at the end of 1920, were as follows :—

The number placed out in these three years, omitting transfers, committals to Reformatories, and illegal committals was 3,239, viz., 1,759 boys and 1,480 girls.

Of these 108 had died, viz., 48 boys and 60 girls, leaving 1,711 boys and 1,420 girls to be reported on

Of the 1,711 boys—

1,502 or about 87.78 per cent. were reported to be in regular employment.

106 or about 6.19 per cent. were reported to be in casual employment or not employed.

15 or about .88 per cent. had been convicted.

88 or about 5.14 per cent. were reported to be unknown.

Of the 1,420 girls—

1,326 or about 93.39 per cent. were reported to be in regular employment.

62 or about 4.36 per cent. were reported to be in casual employment or not employed.

2 or about .14 per cent. had been convicted.

30 or about 2.11 per cent. were reported to be unknown."

COMMITTALS.

29. The grounds on which a child may be committed to an Industrial School will be found set out in Section 58 and Section 133, subsections (17) and (20) of the Children Act, 1908. It may be noted that the provision in the latter section extending the provisions of the Act to any destitute Orphan applies only to Ireland.

REFORMATORIES.

30. On the 31st March, 1923, the total number of inmates of Reformatories committed from Northern Ireland Courts and paid for by the Northern Ireland Government and Local Authorities was 77, distributed as follows:—Malone Protestant Reformatory 41; St. Kevin's Reformatory, Glencree 19; St. Conleth's Reformatory, Philipstown, 15; High Park Reformatory, Dublin 1; and Limerick Reformatory 1. The 36 inmates resident in the Free State Reformatories were committed thereto before the 1st December, 1921, since when no cross-committals as between the Free State and Northern Ireland have taken place. There is only one separate Reformatory in Northern Ireland, viz., the Malone Reformatory for Protestant boys. Temporary accommodation for Reformatory cases has been secured for Protestant girls at Shamrock Lodge Industrial School; for Catholic boys at Milltown Industrial School; and for Catholic girls at Whiteabbey Industrial School. It has not been found necessary to make use of the provision for Reformatory girls as no girl has yet been committed in Northern Ireland since the Northern Government took over, and only 7 committals have yet been made to Milltown Reformatory which is run in conjunction with the Milltown Industrial School.

31. In view of the marked decline in the number of committals it was suggested that it might be desirable to isolate a portion of some of the Industrial Schools not now needed and convert it to the purposes of a Reformatory. The suggestion was strongly opposed as a step in the wrong direction. Contact between Reformatory boys, convicted of some crime, and Industrial School Boys who had been removed from surroundings tending towards criminality would, it was urged, be inevitable in school classes and elsewhere in association work. It seemed to be the general opinion that the only safe course is to adhere to the former practice of entirely separate institutions.

32. We wish to make strong recommendation as to the desirability of abandoning the use of the word "Reformatory" and adopting instead the expression "Training School" to describe these Institutions. The word "Reformatory" has had attached to it an evil significance which the nature of the offences for which young persons have been committed has not always deserved.

33. We wish further to call attention to the fact that a Bill is at present before the Imperial Parliament which provides that when an Offender is sent to a training school (Reformatory), the court need not record the conviction. It also provides that a child of 12 or 13 years of age can be sent to an Industrial School notwithstanding a previous conviction. We recommend that such steps may be taken as will bring the law in Northern Ireland into conformity with these proposals.

INDUSTRIAL SCHOOLS.

34. The Industrial Schools in Northern Ireland with their respective accommodations and number of inmates at the present time are as follows :—

| | Certified Accommodation | Inmates |
|---|----------------------------|------------|
| PROTESTANT MALE SCHOOL :— | | |
| Balmoral Industrial School, Belfast.. | 400 | 150 |
| PROTESTANT FEMALE SCHOOLS :— | | |
| Hampton House Industrial School, Belfast | 156 | 45 |
| Shamrock Lodge Industrial School, Belfast | 118 | 37 |
| ROMAN CATHOLIC MALE SCHOOLS :— | | |
| St. Patrick's Industrial School, Mill- town, Belfast | 150 | 99 |
| *Nazareth Lodge Industrial School, Ravenhill Road, Belfast | 70 | 21 |
| ROMAN CATHOLIC FEMALE SCHOOLS :— | | |
| Sacred Heart Industrial School, Abbey- ville, Whiteabbey, Co. Antrim | 200 | 60 |
| Middletown Industrial School, Co. Armagh | 50 | 32 |
| St. Catherine's Industrial School, Strabane | 100 | 48 |
| ROMAN CATHOLIC MIXED SCHOOL :— | | |
| St. Michael's Industrial School, Lurgan— | | |
| Boys under 9 years of age, and | 50 | 16 |
| Girls under 16 years of age | 50 | 24 |
| | <u>1,344</u> | <u>532</u> |

*This School is for boys under 9 years of age.

35. It should be pointed out that of the total number of inmates, viz., 532, 117 have been committed from Southern Ireland Courts and are being paid for by the Free State Government and Local Authorities, leaving 415 inmates committed from Northern Ireland Courts. To the 415 must be added 33 other inmates committed from Northern Ireland Courts to Free State Certified Industrial Schools, thus making a total of 448 children paid for by Northern Government and Local Authorities. No committal from a Northern Ireland Court to a Free State Industrial School or vice versa has taken place since the appointed day under the Government of Ireland Act, 1920, viz., 1st December, 1921.

36. The position of all the Industrial Schools in Northern Ireland in recent years became precarious from a variety of causes. First, the Probation of Offenders Act introduced in 1908 resulted in large numbers of children being placed under the care of Probation Officers, who, but for the introduction of that Act, would have been committed to Industrial Schools.

37. In the Belfast Petty Sessions District in 1911 only 10 Children were placed under the care of Probation Officers, but in 1916 the figure rose to 158 and reached a maximum of 166 in th

following year. Last year the number was 94. These figures of increase account for a large proportion of the decline in the number of committals in recent years. In passing we may observe that the evidence and statistics submitted to us suggest that the placing of children under the care of Probation Officers has been productive of good results.

38. In his evidence before us the experienced Commissioner of Police for Belfast, Mr. Gelston, stated that "the disturbed state of the city so occupied the attention of the police that they had not time to deal effectively with the many offences such as larceny and begging, for which youthful offenders are mainly committed."

39. With the re-establishment of peace in the city the police are now in a position to attend more closely to this branch of their duties.

40. The committals to Industrial Schools in Belfast were 254 in 1908. In 1914 the total was 133. In 1920 and 1921 they numbered 37, and in 1922 dropped still further to 21. The considerable drop in the number of committals was accompanied by a corresponding decline in the sums paid by the State and by local authorities respectively. But overhead charges in the shape of rent, renewals, insurance, &c., remained the same, and the increase in the cost of food supplies and clothing rose to an extent greater than the amount of the bonus granted.

41. The cumulative effect of all this was to precipitate a financial crisis for the institutions. But for its trading activities Malone Reformatory would last year have had to face a deficit of over £1,000. So serious was the position for the Balmoral Industrial School that the Committee of Management felt they could no longer carry on and they gave notice of intention to surrender their Certificate and abandon the work of the School. Had that taken place there would have been no Industrial School for Protestant boys in Ireland.

42. The Children Act imposes upon Local Authorities the duty of providing for the reception and maintenance of children in such schools. Mindful of this duty the Belfast Corporation entered into negotiations with the Committee of Management of Balmoral School, with the result that the undertaking passed under the authority of the Belfast City Council on 1st July, 1920. Since then the Corporation has been responsible for the due and proper management of the School.

43. In greater or lesser degree the same problem was presented to those who had to carry on the various other Schools and only with difficulty have they been able to maintain these in being. The table on the previous page which gives the amount of available accommodation and the extent to which it is now utilised indicates in some measure the degree of difficulty experienced.

44. Certain of these Institutions are forced to engage in trading activities in order to keep going at all. The result is that time which should be devoted to the better education of these young

people in the class room has had instead to be devoted to activities in a workshop or elsewhere in order to provide educational or industrial training of any sort whatever. The authorities of the Schools where such activities are carried on have frankly admitted this.

45. In his report of 1916 the Chief Inspector of Reformatory and Industrial Schools for Ireland makes this observation upon Reformatories (p. 7): "Of the youthful offenders committed last year about 40.7 per cent. of the boys and 41.6 per cent. of the girls were illiterate, and 50.3 per cent. of the boys and 50 per cent. of the girls could only read and write imperfectly." In the passage relating to Industrial Schools (p. 11) he states: "Of the children who were 8 years of age and over on admission 40.54 per cent. of the boys and 24.87 per cent. of the girls were illiterate, and 42.04 per cent. of the boys and 61.92 per cent. of the girls could only read and write imperfectly. Only 17.41 per cent. of the boys and 13.19 per cent. of the girls showed a moderate proficiency in reading and writing or could read and write well."

46. In the 1917 report he says: "Of the youthful offenders committed to Reformatories last year 84.37 per cent. of the boys and 85.71 per cent. of the girls were illiterate or could only read and write imperfectly." The statement in 1917 as regards Industrial Schools was as follows:--"Of the children who were 8 years of age and over on admission 39.42 per cent. of the boys and 29.14 per cent. of the girls were illiterate; and 41.74 per cent. of the boys, and 49.37 per cent. of the girls could only read and write imperfectly. Only 18.84 per cent. of the boys and 21.67 per cent. of the girls showed a moderate proficiency in reading and writing or could read and write well."

47. Separate figures for the North of Ireland are not yet available, but close observation of the Schools which we inspected leads us to the conclusion that the ratio of illiteracy is considerably less than that quoted above as the average for Ireland. Be that as it may, it seems beyond doubt that the need of these children for a thorough grounding in reading, writing, and arithmetic is urgent, and the workshop training should be subordinated to it in view of the fact that their period of detention is in most cases but a few years. Such a desirable change can only be effected by relieving the financial stringency which is the root cause of the present state of affairs.

48. With a view to facilitate a proper balance between literary and industrial education, and disregarding other possible reasons, we might suggest, although it does not strictly fall within our terms of reference, the desirability of considering whether or not the Minister of Home Affairs should be empowered to delegate to the Ministry of Education such of the functions of the Ministry of Home Affairs in connection with Reformatory and Industrial Schools as after consultation with the Minister of Education he may see fit.

49. In his report of 1916 the Inspector of Reformatories and Industrial Schools points out: "Of the 79 boys between 12 and 14 years of age committed to Reformatories, 29 had not been previously convicted, 28 were convicted once, 11 twice, 6 three times, 3 four times, 1 five times and 1 seven times. Of the 88 boys between 14 and 16 years of age committed, 42 had not been previously convicted, 25 were convicted once, 16 twice, 4 three times, and 1 four times."

50. In the 1917 report the corresponding figures are 46 committed between the ages of 12 and 14 years, of whom 16 had not been previously convicted, 12 were convicted once, 13 twice, 3 three times, 1 four times and 1 eight times. Of the 82 boys between the ages of 14 and 18 years committed, 46 had not been previously convicted, 15 were convicted once, 14 twice, 5 three times, and 2 four times. Out of a total of 128 boys committed to Reformatories in 1917 in Ireland, there were 31 from Belfast and 16 from the rest of Northern Ireland.

51. Tables are appended shewing the various heads under which committals to Reformatories and Industrial Schools have been made, and the areas from which those committed were drawn, and it will be seen that "begging" and "found wandering" constitute the two chief causes of committals to Industrial Schools.

52. In his evidence before us the Commissioner of Police for Belfast expressed the following view:—

"I consider that the Children Act, 1908, part IV, contains ample provision for the committal of children to Industrial Schools, and subsequent disposal of them afterwards, and that all that is necessary is to provide ways and means for the carrying out of the spirit of its provisions."

JUVENILE COURTS.

53. It has been suggested to us by more than one witness that it is desirable that the Courts by which cases under the Children Act are heard in Belfast should sit at a place other than the building in which Petty Sessions cases are heard, so that the risk of children being brought into contact with police court habitues and criminals should as far as possible be eliminated. This question forms no part of our terms of reference, but in view of the importance attached to the suggestion we desire to place it formally upon record for consideration. The practice in Belfast is that the general public are excluded from the children's Court and that the children are kept in a room quite separate from that in which adults are detained during the sittings of Courts. In rural areas the suggestion would be difficult if not impracticable, but the cases dealt with in country districts are comparatively few.

PLACES OF DETENTION.

54. Another practice complained of is the sending of children on remand to Reformatories or Industrial Schools which are registered as places of Detention, even though they may afterwards be placed upon Probation, or discharged, at the resumed hearing. As the local authority is made responsible for a certain proportion of the cost of maintenance in the event of committal to a Certified School, it is entitled to a reasonable opportunity for making inquiry as to whether the case is one in which a public charge should be so incurred, and whether the parent should not be required to contribute to the cost. Where the case is brought forward at the instance of some persons other than the police the latter must also have time for inquiries. In such circumstances a remand is inevitable. It has been suggested to us that the sending of children and young persons on remand to Industrial Schools and Reformatories is unsettling to the inmates and subversive of discipline. If there be substance in this complaint it might be met by segregating them

during the period of remand from those already committed. In view of the reduced numbers in these Schools this should not present any great difficulty. The objection, however, went deeper than this and opposed the idea of sending them to these Schools at all unless when definitely committed for a term. The only other place available for remand cases would be the common prison or the Workhouse, and the objections urged would apply with equal if not with greater force to these places, where the risk of contamination would certainly not be less.

CARE AND AFTER CARE.

55. We have in an earlier passage of this report quoted at some length from the report of the Chief Inspector of Reformatories and Industrial Schools certain passages which indicate the after-careers of the children who pass through these institutions. We have no reason to doubt these statistics and they were confirmed in detail by the evidence submitted to us by various witnesses. It must be remembered that the raw material which has to be moulded into good citizens is of an inferior type. Nearly all of the children admitted had been brought up in unhealthy surroundings and under conditions which tend to a low state of vitality and an enfeebled constitution which makes them easy victims to disease. They are almost invariably underfed and stunted. A considerable period elapses before care and good food begin to tell their story. The health record of the various institutions has been the subject of frequent and favourable comment by the Chief Inspector. Considering the increased cost of food stuffs and the financial stringency, the articles of food comprising the scale diets in the Schools are on the whole sufficient though in some respects restricted. Whilst not necessarily expensive, the dietaries are as varied and nutritious as the financial circumstances of the Institutions permit. Dr. W. G. MacKenzie, Medical Officer Balmoral Industrial School, submitted to us a table of comparisons in heights, weights and ages as between Balmoral Industrial School boys and boys in similar institutions across channel which was decidedly in favour of the Balmoral Boys.

56. A good deal of attention is devoted to the training of the boys and girls in the various schools. We have already indicated that we attach great importance to literary training on true educational lines. We understand that the Lynn Committee on Education has had under review the question of school curricula and the status and salary of teachers in these Institutions. We refrain for that reason from indicating our opinions on the subject beyond expressing the hope that thoroughly competent teachers will be provided for these children, who because of their early surroundings are dull and sadly neglected, and the victims as well of totally inadequate school accommodation. None is in such dire need, or so sadly below the general educational standard. They deserve and need the utmost encouragement and assistance that can be provided if they are to be so equipped as to have a fair chance of success in the effort for a decent existence.

57. The workshop equipment for the boys in most cases leaves much to be desired. As a rule they are instructed in the various crafts by well skilled overseers. Carpentry, farm work, tailoring and shoe-making seem to be the favourite occupations. Some go into the army and others enter the ranks of unskilled or partly skilled labour. The records compiled show that about 90 per cent. are in regular employ-

ment, and about 6½ per cent. in casual employment. Practical agriculture and gardening are taught and the demand for boys trained in these subjects is good. It was submitted to us that difficulty was experienced in finding employment for boys in skilled trades on leaving the schools. The difficulty it was stated arises to some extent from a reluctance upon the part of employers to pay more than apprentice wages though the boys have reached a considerable standard of proficiency and can turn out quite good work, and also to a certain unwillingness upon the part of trade unions to recognise those who have not been regularly apprenticed to trades. To whatever extent these statements may be true they constitute a source of peril to the boys. The Managers of the Institutions from which these boys go out to the world try to give them a place in life and prevent them from returning to the old evil surroundings and habits. They are generally found suitable lodgings and jobs, visited, advised and encouraged to lead straight lives.

58. If, however, they are not to be paid the full value of their labour, or if given the cold shoulder or exploited, the struggle can be made practically impossible. Where agriculture is the calling this difficulty is not experienced because maintenance is a part of the contract. The trouble is confined largely to trades.

59. The Schools and Reformatories from their all too meagre funds can only provide boys and girls with a suitable outfit for civil life and perhaps a few shillings in addition to tide them over the first few days. Despite all these difficulties the records of success are truly wonderful, but the struggle is made needlessly difficult for many of these boys. We call attention to the statements made to us in the earnest hope that if true and to whatever extent they are true those concerned will abandon the practices complained of, and hold out a helping hand to these young people, many of whom are orphans or what is worse the children of parents who have blighted their young lives.

60. There is great scope here for philanthropic agencies like the Belfast Working Boys' Home, and similar Institutions for girls to extend their facilities and aid these young citizens in their struggle to become self-supporting by providing accommodation for them at a cheap rate and surrounding them with a wholesome atmosphere and good influences until they can fully maintain themselves.

61. We recommend that a Capitation Grant not exceeding 2/6 per week be paid by the Government and a corresponding sum be paid by Local Authorities to Certified Auxiliary Homes for committed children under sixteen years of age who have been released on licence for apprenticeship purposes before expiry of their periods of detention. We also recommend that corresponding payments be made in like manner for committed children resident in Auxiliary Homes certified as per Section 51 of the Children Act, 1908, up to 18 years of age. These contributions to be made only to whatever degree it is shown to be necessary for the proper maintenance of the young persons so committed. Assuming the average number of such cases in such Auxiliary Homes to be 20, which is the present figure, the total cost under this head to the Government would be £130 per annum with a corresponding contribution from the Local Authority. We are satisfied that great advantage would accrue from the expenditure of this small sum.

62. We do not know whether for the first few weeks or months after beginning work outside it would be possible to give to boys who may

not be able to pay their way sleeping accommodation in the schools where they were trained. If this could be done it might greatly simplify the problem of after care at the most critical period of all. The necessary steps would of course have to be taken to regularise such a practice as this.

COST OF THE SCHOOLS

63. We have indicated how precarious is the position of all the schools and reformatories except Balmoral Industrial School which is owned by the Belfast City Council. A table is appended showing the average cost of the several institutions. The average cost naturally varies in accordance with rent and other charges. The figure for Hampton House Industrial School, it has been explained to us, is somewhat misleading because within the period covered by the return certain charges had to be paid which properly belonged to a full year; allowing for these payments the average charge would be about 17/- or 18/- per head per week.

64. The system of payments for children in similar schools in England and Scotland by means of a capitation grant has been radically changed during the past three years. That change became imperative by reason of the fact that there arose circumstances similar in character to those from which these institutions now suffer in Northern Ireland. New Regulations were made in England and Scotland. Broadly speaking these regulations provide that each school shall furnish an estimate of its income from all sources and of its expenditure. From these estimates the average cost of maintenance per week per child is calculated for *all* the voluntary schools in England (or Scotland as the case may be). Half this average cost is paid by the local authority and the remainder of the amount required to cover the estimated approved expenditure on maintenance is provided from Government funds.

65. There are some small exceptions to the above arrangements, but the main idea underlying the scheme would appear to be that the Local Authorities and the State should share equally the cost of maintaining these children.

66. The English Home Office Circular No. 333592 and dated 5th December, 1919, sets out the scheme in extenso. We quote the following passages as specially worthy of attention:—

(Para. 3).

The economic conditions following on the war have had a serious effect on the finances of the schools, with the result that many of them are unable to pay their way and have been obliged to incur heavy debts owing to the higher cost of maintenance. In this crippled condition they are not able to face the demands which the conditions brought about by the war have imposed upon them, and there is a serious risk that some schools will have to be closed or will fail to maintain a proper standard of efficiency.

(Para. 6).

After full consideration of the problem the Treasury and the Home Office have prepared a scheme, which, while providing against extravagance, will relieve the schools of their financial embarrassments and enable them to carry out the reforms which are required. The scheme is based on the general principle that in future the cost of maintaining the schools should be equally divided between the State and local authorities.

(Para. 7).

In the case of schools maintained by local authorities the Government Grant will take the form of (a) a sum equal to half the approved net

expenditure falling upon the local authority, including loan charges in respect of capital expenditure, and (b) a sum equal to one-half of the net amount received by the Home Office from parental contributions in respect of children maintained by the local authority in its schools. Local authorities who maintain schools of their own will be asked to send to the Home Office towards the end of each calendar year an estimate of the cost of maintenance for the following financial year. Instructions as to the form of the estimate will be given in due course. Similarly, estimates of all capital expenditure will require approval by the Home Office before the expenditure is incurred.

(Para. 8).

In the case of voluntary schools, the same general principle of the cost being equally shared between the Government and the local authorities will be applied, but local authorities will be asked to pay in future a fixed rate for every child committed, which will be the same for all schools in England and Wales. There will be one rate for ordinary cases and another rate for special schools or children specially treated in ordinary schools, and these rates will cover the whole liability of the local authorities in respect of maintenance while the child is in the school. The Exchequer contribution on the other hand will not be based on fixed capitation grants, but on the actual cost of maintaining each school up to an amount approved by the Secretary of State.

(Para. 9).

The method of giving effect to these principles will be as follows:—

The Managers of every voluntary school will be required to submit to the Home Office towards the close of each calendar year a detailed estimate of the cost of maintaining the school during the financial year beginning on the 1st April following. Maintenance will be held to include not only the ordinary cost of salaries, clothing, food, etc., but rent charges, loan charges (including sinking fund charges), renewals and repairs, disposals and after-care, and superannuation.

Each estimate will be closely scrutinised in the Reformatory and Industrial Schools Department, and it will be approved either with or without amendment as the case may be.

As regards children committed at the instance of the Poor Law Guardians and for non-committed children received as voluntary inmates the whole cost must be provided by the guardians or by voluntary funds as the case may be. Accordingly, in preparing the estimate of cost the number of such cases and the amounts to be received in respect of them will be shown separately; and no part of the cost of maintaining such children will be included in the estimate of cost on which the Government Grant and the Local Authority's contribution will be based.

Similarly any children sent to the school under Section 84 of the children Act by the Secretary of State on a conditional pardon will be shown separately: the total cost of such cases will be met from the Exchequer grants and no part of the cost will be chargeable to local Authorities.

(Para. 10).

When all the estimates have been settled the Home Office will calculate what will be the average cost per child per week in voluntary schools for the ensuing year—taking one school with another throughout the country—(a) for ordinary schools, (b) for special schools, and local authorities will be asked to pay capitation grants equal to half the average net cost. Every local authority will then know precisely what is the appropriate sum required from them for the ensuing year, and the anomalies of the existing system under which each school fixes its charges by negotiation with each local authority will be brought to an end. At present the charges made to local authorities differ considerably and some local authorities pay higher contributions than others to the same school.

(Para. 11).

The remainder of the amount required to cover the estimated approved expenditure on maintenance will be provided by the Exchequer. Each school, after its estimate has been approved, will be informed what is the total sum approved for its maintenance in the following year and will receive in that year Treasury grants equal to the difference between the total approved estimate and the sum payable by the local authorities.

(Para. 12).

After the end of the year, when the accounts have been audited, the estimated expenditure will be compared with the actual expenditure

and any necessary adjustments will then be made. In cases where the estimated expenditure is not reached the grant will be adjusted to the actual expenditure. No grant will be paid in respect of any expenditure which exceeds the estimate unless the approval of the Home Office has been obtained to such excess expenditure.

No adjustment will be made in respect of the amounts received from local authorities, but any excess or deficit in comparison with the actual figures of half the expenditure for the year will be taken into account in fixing the flat rates payable for the following year.

67. We recommend the application of the principle and procedure quoted above as the answer to the query as to "what proportion should be borne by the Exchequer and Local Authorities respectively of the cost of the Schools." We recommend it as equally necessary in the case of Northern Ireland. The claim cannot in justice be denied.

68. The evidence of Mr. Geale, the Belfast City Accountant, on this point was very clear and cogent as was that of Mr. Millar, Secretary to the Antrim County Council. Mr. Geale called attention to the growing practice of passing social legislation, the cost of which has fallen upon local Authorities until the whole incidence of local rating has been completely changed, necessitating the introduction of Government grants in aid of local expenditure. In existing circumstances he claimed that less than half the average cost of maintenance as a contribution from the State would not be fair.

69. We must also point out that the enormous reduction in the number of committals to Reformatories and Industrial Schools in recent years has greatly diminished the amount of the State contribution which is fixed on a capitation basis.

70. The vigorous operation of the Probation of Offenders Act and the goods results achieved by it make it certain that there will never again be anything like the former number of committals in Northern Ireland. The committals have dropped to the extent of at least *fifty* per cent. Paying at twice the old capitation rate on the existing Reformatory and Industrial Schools population the total State contribution would scarcely exceed the total sum at the old rate. In the summary of receipts and expenditure for 1916 set out in the official report of the Chief Inspector (P.25) it is shown that the Treasury grants for all Ireland amounted to £105,137, out of a total expenditure of £198,089, which is more than one half of the total. Voluntary contributions will no doubt decline under the changed conditions proposed. But the very existence of the Schools is involved. The change suggested must either be made or a number of the Schools will collapse.

71. It is difficult to estimate exactly the cost of the recommendations made by us, because there are no sufficient or reliable data on which to frame a correct estimate. In England the cost of Schools, we are informed, works out about 24/- per head per week; in Scotland at about 22/- per head per week. In our opinion the cost of our recommendations would not exceed the average cost for England and Scotland. The Cost to Government at the English rate based on the estimated number in this year's estimates would be about £20,904 per year. At the Scottish rate on the same basis it would be about £19,162 per year. Assuming the average cost in Northern Ireland to be 20/- per head per week, and half the cost to be a State Charge, the cost of the present numbers at 10/- per head per week would be £17,420 per year. The amount required at the existing capitation

rates for current year on the same numbers is £13,255. If the full numbers for which the Schools hold Treasury Certificates had to be paid for, we note the cost to Government would be about £28,500 per year at the current Capitation rates.

PARENTAL CONTRIBUTIONS.

72. Section 75 of the Children Act, 1908, deals with contributions by parents. By Order in Council the maximum amounts which parents may be ordered to contribute are 5/- per week in the case of children sent to Industrial Schools, and 6/- per week in the case of youths sent to Reformatory Schools. Magistrates when making Committal Orders, fix the amounts after evidence as to the means of the parent or guardian.

73. We were informed by the Commissioner of Police that in Belfast a Constable is appointed in each Police District to act as Collector of contributions so imposed. He pays the total to his District Inspector, who credits the amount (less the sum of 20 per cent. commission allowed to the Collector) to an account kept with the Inspector of Reformatories and Industrial Schools. The sums actually obtained by the Constable from parents vary from 2d. per youth per week, up to 5/-. Full contributions are rarely recovered. A similar method is pursued in the various counties. We submit a table on page 10 shewing the sums actually collected in Northern Ireland for the year 1922.

74. One of the collectors examined before us stated that there was very great difficulty in collecting the sums imposed, by reason of the poverty of those against whom orders were made, and also because of the fact that they frequently removed to other districts without giving any notice, and trace of them was lost. In the case of failure, payment, where possible, may be enforced by Summons under Section 75 of the Children Act, 1908. Section 25 of the Reformatories Act, 1868, which still remains in force, provides for enforcement by distress, or imprisonment in default. The Constable who acts as Collector takes proceedings at the instance of the Inspector in such cases and makes application for the issue of the necessary summons.

75. Section 76 of the Children Act, 1908, provides for cost of conveyance of children to Reformatory and Industrial Schools. It will be seen that the expense is borne by the State except in cases where a child is committed to an Industrial School at the instance of the local Education Authority.

76. In all cases when a child is about to be committed to an Industrial School a policeman is specially detailed to make enquiries, mainly to ascertain if it is a suitable case, as it has occurred that persons send children on the street to beg merely to qualify for committal. The policeman who investigates makes a Deposition before the Magistrates setting forth such facts as will satisfy them whether or not the child is so circumstanced that if not rescued from its surroundings it will grow up in vice and add to the criminality of the community. This police inquiry aims at ensuring that no child who can properly be maintained and looked after by its parent or guardian will become a burden on the State, and it also aims at ensuring that the Court shall be made aware of the facts as to the capacity of the parents to make a contribution to the cost of maintenance.

77. We have no hesitation in saying that the sums collected from parents or guardians in this way should, as is the case in England

and Scotland, be divided equally between the local authorities concerned and the State. If the local authority is expected to bear half the cost of maintenance, it should equally share in payments that are made by way of relief of costs of maintenance.

78. We are of opinion that in view of the improved conditions closer attention can now be paid by the police to the collection of sums imposed by the magistrates than was possible during the recent disturbed state of affairs. We think also that close inquiry should be made into every case with a view of eliciting for the Courts the extent to which those responsible are able to contribute to the maintenance of children proposed to be committed.

THE BORSTAL SYSTEM.

79. Borstal is a village on the hills above Chatham, where stands the original Borstal Institution, hence the name "Borstal" system.

80. Borstal Institutions are the outcome of experiments made as part of the prison system by Sir Evelyn Ruggles-Brise and his colleagues of the English Prison Commission in their desire to rescue young Offenders from becoming habitual criminals.

81. In 1908, when the success of those experiments had been demonstrated, Borstal Institutions were established by Statute in the passing of the Prevention of Crime Act, 1908.

82. Borstal Institutions are State Reformatories differing from ordinary Reformatories in that they are the property of the State, and deal with young people at a later age (16-21 years) so that provision had to be made for safe custody in the early stages of the inmate's training, but the general methods approximate to those of a Reformatory and are in steady process of development on Reformatory and Industrial School lines.

83. For England and Wales there are at present three such Institutions for boys—one at Borstal, one at Feltham, one at Portland—and one for girls at Aylesbury. A wing of the prison at Wormwood Scrubbs, London, is also at present set apart for the custody of boys whose conduct at Borstal or Feltham had appeared to deserve severer methods, and also for boys whose licences have been revoked owing to their bad conduct while on supervision after leaving the Institutions. The Institutions have accommodation for over 1,000 boys and 200 girls.

84. The only Borstal Institution in Ireland is at Clonmel in a disused prison, adapted for that purpose. The inmates are temporarily accommodated at Kilkenny at present owing to the fact that the military authorities have had to commandeer the Institution at Clonmel. A statement below on page 25 shows the number of persons from Northern Ireland who are domiciled in the English and Free State Borstals respectively.

85. A young offender may be sent to a Borstal Institution either by a judge or by a Court of Quarter Sessions, and either on indictment or on committal by a magistrate's Court to Sessions with a recommendation that he be sent to a Borstal Institution, provided:—

1. That he is between 16 and 21 years of age, and
2. That by reason of his criminal habits, tendencies or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such

instruction and discipline as appear most conducive to his reformation and the repression of crime, and

3. That if he is sent on indictment, he has been convicted of an indictable offence, or that if he is sent up from a Magistrate's Court to Sessions for the purpose of being sent to a Borstal Institution he has been previously convicted of some offence or has broken a condition of Probation.

86. The sentence of detention must be for a term of not less than two years and not more than three, and the Court must consider representations made by the Prison Commissioners and must be satisfied that the offender is likely to profit by the treatment. The same regulations apply in the case of girls.

87. In forming an opinion whether any case should or should not be recommended for Borstal detention, Governors of prisons are asked to bear in mind the following considerations :—

- (1) Under the Act cited above the young offenders to be sent to a Borstal Institution are those of criminal habits or tendencies, or associates of bad characters, who require to be detained for their own reformation and for the repression of crime. Young prisoners, whose previous character is good, are clearly not of this class. Where the offence for which a young offender is to be tried is one of occasion rather than of habit, where he has succumbed to exceptional temptation, is alive to his position and regrets his fall, or where he has reputable friends able and willing to receive him and find him employment when he has served whatever sentence the Court may pass upon him, he should not be recommended for a Borstal Institution. Inquiry should be made of the prisoner's employer or employers, and (if it is found that on some previous occasion he was placed on probation) of the Probation Officer or any other trustworthy person who can report on his character. Inquiry should also be made to ascertain whether he has respectable relatives ready to receive and look after him on discharge, and whether he has followed some occupation or handicraft to which he can return, and
- (2) In the case of a prisoner who has already served a term in a Borstal Institution, it is highly improbable that a Court would pass another sentence of Borstal detention. Such a case should not as a rule be recommended.

88. Whenever the question arises whether a prisoner's physique is, or is not, so poor or so defective as to preclude a recommendation of the case to the Court as suitable, it is laid down that Governors and Medical Officers will bear in mind that he must be able to profit by the instruction and discipline of a Borstal Institution as required by the Act of 1908. That is to say, he must not be mentally deficient or subject to epilepsy, and he must be capable of doing, or of being taught to do, a full day's work at some occupation, whether sedentary or active, by which a living can be earned. Provided this is the case it is not necessary that he should be fit for gymnastics and heavy manual labour.

89. An inmate may be released on licence after six months of the term if a boy, or after three months if a girl. During the unexpired part of a sentence, and for a year thereafter, a boy is bound by the terms

of his licence to satisfy the Authorities through the Borstal Association, that he is living a sober and industrious life, and is residing and working in a place approved by the Association. Any failure on his part to do so renders him liable to be taken back to the Institution for a further period of reformatory training. The same rules apply in the case of a girl. It will be understood that the actual period of detention is not fixed rigidly by the sentence. The Authorities may release their charges at any time after six months. The normal period of training for boys at present is a little short of two years, if the inmate does his best. The period of training in the case of girls is about 2½ years.

90. On his reception at the institution a boy is placed in the Ordinary Grade and is at first engaged mainly in the domestic and other service work of the institution under very close supervision. Promotion to the next grade, Intermediate "A," can be obtained within three months if conduct is satisfactory. This promotion brings with it privileges, such as association for games and meals, and permission to receive visits and letters. Promotion to the next grade, Intermediate "B," follows in another three months, if conduct is still good and increased privileges are gained. The inmate's next promotion is to a Probationary grade. He goes on a period of probation for admission to the next and highest grade, called the special Grade. The period spent on probation varies almost with each inmate. It depends entirely on the character already earned by the probationer in lower grades, and on the degree of trust which can be safely put in him. Having passed through his period of probation successfully, he enters the special Grade, known in English Borstals as the "Blue," the boys change into a blue dress from the brown given them on reception. In this grade a remarkable amount of trust is put in each boy who now works without supervision inside and outside the Institution, earns badge money (according to a scale) which may be spent on small luxuries or sent home, smokes if he so desires, and takes part in outdoor organised games on Saturday afternoon.

91. A boy who behaves badly may be placed by the Governor in a Penal Class, below the ordinary Grade, "below the line" it is called. When a boy is "below the line" he is employed in separation on heavy laborious work, such as stone-breaking and bone grinding. He is not allowed to associate with other inmates. He earns no gratuity. He is given a lower diet and forfeits all privileges.

92. The methods of manual training in use are indicated by the names of the working parties, of which there are about 16, viz. :—Carpenters, Smiths, Shoemakers, Painters, Cooks (including Bakers), Bricklayers, Gardeners, Farm-hands, Laundry Work, Poultry and Pig keeping, Dairy work, Concrete block making, Labouring party, and a party for domestic work of the Institution. In addition there are three special classes, viz. :—Army Class, Commercial Class and Singing Class.

93. Every inmate attends School for three hours on three mornings a week until he can pass out of the third standard, and there are general educational classes on four evenings in each week. Boys are put to trades on the basis of personal aptitude and liking for a particular trade, and not on the basis of the particular Grade in which they

happen to be, which is really a matter of conduct and length of time in the Institution.

94. There were last year 48 youthful offenders who had been committed at various times from Northern Ireland to the Institution at Clonmel in Southern Ireland. The number is now reduced to 40, and as already stated, owing to the state of affairs in Southern Ireland, it has been necessary to transfer them to a disused workhouse at Kilkenny where there are not proper facilities for giving these boys a Borstal training.

95. Mr. A. P. Magill, a witness from the Northern Home Office, stated to us :—

“ We have had to send boys committed to a Borstal Institution since the Northern Ireland Government came into being to the Institution at Feltham in England. While we fully appreciate the assistance which the English Prison Commissioners have given in taking these boys, it is not a satisfactory state of affairs that we should have to send them out of the country. Each boy in Feltham costs us about £121 a year and there are 10 such at present, and of course the boys' relatives and friends are practically deprived of all chance of seeing them. As a means of reforming boys who are on the threshold of a life of crime the Borstal system, it is claimed, has been a decided success.”

96 In support of the latter claim he submitted the following statement from the Annual Report of the Borstal Association for the year ended 31st March, 1922 :—

“ The following figures show the progress and position on the 31st March, 1922, of the six hundred and fourteen lads and girls who were released from Borstal Institutions on licence during the year which ended on that date :—

- (1) 229 lads were released who were serving their first sentence of detention without having served any previous period in a prison, Borstal Institution, Reformatory or Industrial School; of these 204 were reported as satisfactory, *i.e.*, 89 per cent.
10 had incurred an unsatisfactory report.
15 had been re-convicted.
- (2) 229 lads were released who had previously served a period of detention in a Prison, Reformatory or Industrial School; of these, 185 were reported as satisfactory, *i.e.*, 80 per cent.
14 had incurred an unsatisfactory report.
30 had been re-convicted.
- (3) 65 lads were released who were serving a second period of training having been taken back after revocation of licence; of these, 38 were reported as satisfactory, *i.e.*, 58 per cent.
14 had incurred an unsatisfactory report.
13 had been re-convicted.
- (4) 13 lads were released who had served a second sentence of detention at a Borstal Institution; of these,
9 were reported as satisfactory, *i.e.*, 69 per cent.
3 had incurred an unsatisfactory report.
1 had been re-convicted.
- (5) 31 girls were released who were serving their first sentence of detention without having served any previous period in a Prison, Borstal Institution, Reformatory or Industrial School; of these,
23 were reported as satisfactory, *i.e.*, 74 per cent.
5 had incurred an unsatisfactory report.
3 had been re-convicted.
- (6) 38 girls were released who had previously served a period of detention in a Prison, Reformatory or Industrial School; of these,
19 were reported as satisfactory, *i.e.*, 50 per cent.
19 had incurred an unsatisfactory report.
6 had been re-convicted.

- (7) 9 girls were released who were serving a second period of training, having been taken back after revocation of licence; of these,
 8 were reported as satisfactory, *i.e.*, 88 per cent.
 2 had incurred an unsatisfactory report,
 1 had been re-convicted.

97. Whether a separate Borstal Institution should now be provided in Northern Ireland by the Northern Government is a question not easily answered. So long as committals are made by judges, either there must be an institution provided for them in Northern Ireland or an arrangement must be made with the controllers of existing Institutions elsewhere. The main question, therefore, is which is the more economic proposition. The cost of maintenance per head per annum which is at present paid by the Northern Government to the English Prison Commissioners is £121. The cost of the boys sent to Clonmel (for the moment located at Kilkenny) is over £123 per head per annum. Taking the English figure as a basis the cost for the 50 would be £6,050 per annum. Were they all maintained at Clonmel the cost would be £6,150.

98. We have no means of definitely determining what would be the capital outlay necessary for the proper construction and equipment of an up-to-date Borstal Institution with its various workshops and adjuncts, but, no doubt, the Ministry can be advised by its experts on this point. Were it possible to secure an existing building of a suitable kind, such capital outlay would be much reduced. We find difficulty, however, in believing that whatever the cost of erection might be, the average cost of maintenance per head including all overhead charges, could conceivably be so low a figure as £123 per head. An Institution with an average of 50 inmates would mean that the varieties of trades taught could not be so numerous as in an Institution such as that at Feltham with its 400 inmates. There would, therefore, be a lowering of the standard of efficiency in the necessarily smaller Institution, and the average cost would probably be higher. It may, however, be pointed out that were a Borstal Institution provided in Northern Ireland, the money now sent elsewhere would be expended at home, and friends would have access to those committed at much less cost than obtains under existing conditions. Furthermore, there is no guarantee that the accommodation necessary for the number of boys that might reasonably be expected to be committed from Northern Ireland Courts can at all times be secured in existing Borstal Institutions. The probable higher cost per head might be set off against the decided advantage of spending the money at home and having ample accommodation for the numbers that might be committed. On the whole, therefore, we are of opinion that, provided a suitable building can be found and equipped at a reasonable expenditure, it would be in the interests of the public that a Borstal Institution within Northern Ireland should be established forthwith for the reception and training of youths committed thereto from Northern Ireland Courts. If it were possible to utilise part of the Institution for giving modified Borstal treatment to prisoners under 21 years of age in accordance with the Criminal Justice Administration Act, 1914, it would be a solution of the difficulty as regards this class of young prisoners and would result in a reduction of the cost per head.

99. We do not recommend the provision of a separate Borstal Institution for females as the evidence submitted to us was entirely opposed to such a step, and in addition the number of committals

of females is much too small to justify the expenditure that would be involved.

100. We wish to record our special appreciation of the manner in which Mr. R. Clarke has discharged his duties as Secretary to the Committee. He so arranged our proceedings that the convenience of witnesses and the Committee was served to mutual advantage. The preparation of statistics, etc., left nothing to be desired. The labours of the Committee were appreciably lightened by his anticipation of, and preparation for, various contingencies.

SUMMARY OF RECOMMENDATIONS.

101. The following is a summary of our principal recommendations :

1. (a) The provision as far as possible of Juvenile Courts in separate buildings to be considered ; (b) Children and Young Persons sent on remand to Reformatory or Industrial Schools used as Places of Detention to be kept separate from those already committed.

2. Thorough investigation by the Magistrates of all the circumstances of a case brought before them should be insisted on.

3. (a) Payment of a Capitation Grant of 2/6 per head per week to Certified Auxiliary Homes from Government Funds and an equal amount from Local Authorities in respect of committed children resident in the Homes ; (b) free sleeping accommodation in the School to be allowed to an ex-inmate for the first few months after leaving such if considered necessary.

4. Adoption of the English and Scottish system of financing these schools whereby the cost will be divided equally between State funds and contributions by Local Authorities.

5. Parental Contributions to be enforced and divided equally between Government and Local Authority concerned ; steps to be taken to make a more effective collection of the Money ordered by Magistrates to be paid by parents.

6. Provided suitable buildings at a reasonable cost are available a Borstal Institution should be established in Northern Ireland for boys, but not for girls.

7. Minister of Home Affairs to be given powers to transfer to the Ministry of Education as much of his functions over these Schools as he sees fit.

8. Desirability of abandoning the use of the word " Reformatory " and substituting therefor the words " Training School. "

9. Only entirely separate premises to be certified for use as Reformatories.

We have the honour to be Sir,

Yours faithfully,

(Signed). THOMAS MOLES (*Chairman*).
 BARBARA CAREY.
 FLORENCE F. CLARK.
 D. A. CHART. (1)
 WILLIAM R. DAWSON.
 W. A. HOUSTON.
 S. M'GUFFIN.
 ALEXANDER MISCAMPBELL.
 J. MORWOOD.
 JAMES MURPHY.
 J. D.. WILLIAMSON.

R. CLARKE, *Secretary*.

1st May, 1923.

(1) Subject to the following reservation.

AFTER CARE.—While fully recognising that a boy on discharge from an industrial school or reformatory may find it difficult at first to maintain his footing in a competitive industrial system without some assistance, I think it necessary to point out that the proposed system of allowing a small capitation grant to former inmates, who have left the reformatory or industrial school and have taken up their residence in certified auxiliary homes, may give rise to serious abuses, and should only be sanctioned under the closest supervision. The tendency in such cases will always be to increase the payment and prolong the period of assistance, but sooner or later the final plunge must be made and the boy, if he is to make good at all, must establish himself as a self-respecting and self-supporting member of society. In the boy's own interest as well as in that of the public purse, the period and the amount of such assistance must be strictly limited.

COST OF THE SCHOOLS. The evidence before the committee did not disclose that any serious working difficulty had been encountered in Great Britain in the adoption of a detailed estimating system for schools and the sharing of the cost in equal proportions between the Government and the local authorities. However, the circumstances of Northern Ireland are very different, and it is by no means clear to me that the schools concerned have considered the proposal in all its bearings. The submission of estimates, with its inevitable corollary, the auditing of accounts, will entail a close inquiry into the working system of every school and the proportion allotted to each item of expense. The expenses of the schools generally speaking are bound to increase with the adoption of the system. It was represented to the Committee that some of the institutions had supplemented their resources by adopting some form of commercial production. This is in itself an excellent policy as experience of actual commercial requirements must materially help the inmates to become self-supporting on discharge. On the other hand evidence was adduced of hostility encountered by institutions which step forward as competitors in the industrial arena, not only from rival producers but also from labour. As soon as complete support is guaranteed to the institutions there will be a temptation to cease from these activities, and all charitable contributions will speedily terminate. There will also be a tendency on the part of schools to level up to the ideas of the more expensive school. Other difficulties may arise from the fact that more than half of the inmates in Northern Ireland are in schools controlled by religious communities. Before the system is adopted some guarantee should be received that it will be generally acceptable. Financial support and control of the type proposed by the committee's report will involve the scrutiny of all the payments of an institution to an extent which does not arise under the present system of fixed grants per head. However, I do not wish to be taken as objecting to the system if it is likely to work with general approval. The chief point to which I take exception is the manner in which it is proposed to allocate the burden as between the State and the local authorities. The proportion of an equal distribution has been adopted by the majority of the committee on the analogy of the system in Great Britain. It is necessary to point out that this analogy fails in a most important particular to which the report of the committee itself draws attention, namely, that while other causes of committal are the same in both

countries, only in Ireland can a destitute orphan be committed to an Industrial School under the Children Act. It is common knowledge that children of this type, who in Great Britain would be left to private charity or to the Poor Law, are frequently committed to Industrial Schools. During the years 1903 to 1922, 142 committals, of a total of 1,085, were assigned to this cause, that is to say, 13 per cent. of the whole. The effect of the adoption of the Committee's representation in its present form would be that the Government of Northern Ireland would, like the State in England and Scotland, pay half the cost arising from committals on other grounds than "destitute, being an orphan," but would in addition, unlike the State in Great Britain, bear half the cost of the "destitute orphans." Accordingly, I consider that it would not be equitable to establish the proposed system on the 50 per cent. basis, but that some allowance should be made for this disparity, possibly in the form of making the State in Northern Ireland liable for some proportion less than one-half of the total charge. It must also be pointed out that since the present Institutions are on an average accommodating not more than two-fifths of the total number for which they are certified, the overhead charges per inmate, unless an amalgamation policy be instituted, will be inordinately heavy.

(Signed) D. A. CHART.

14th June, 1923.

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(1) ALPHABETICAL LIST OF WITNESSES EXAMINED.

BALLENTINE, Mr. John G., Chief Clerk, Police Courts, Belfast.
BROWN, Miss Jeannie A., Superintendent, Shamrock Lodge Industrial School, Belfast.
CROWE, Mr. George D., Principal Warder, H.M. Prison, Belfast, and formerly Clonmel Borstal Institution.
CURRAN, Miss Elizabeth, Probation Officer, Police Courts, Belfast.
DRYSDALE, Mr. Alexander D., Ex-Governor Glasgow Prison and Duinfries Borstal Institution.
GEALE, Mr. R. G., Financial Officer and City Accountant, Belfast Corporation.
GELSTON, Mr. John F., Deputy Inspector General, R.U.C., and Police Commissioner of Belfast City.
GORDON, Mr. Dawson, Ex-Vice Chairman Children Act Committee, Belfast Corporation.
GRIFFIN, Sergeant George W., R.U.C., and Parental Money Collector, Belfast.
GUNN, Mr. Felix, Inspector N.S.P.C.C., Belfast.
HANNIGAN, Rev. Bro. Joseph M., B.A., former Manager, Milltown Industrial School, Belfast.
KENNEDY, Joseph, Detective Sergeant, R.U.C., Belfast.
M'DOWELL, Mr. David, Manager, Balmoral Industrial School, Belfast.
MACKENZIE, Dr. W. G., Medical Officer, Balmoral Industrial School, Belfast.
M'QUIBBAN, Mr. L., Secretary, Ministry of Education, Belfast.
MAGILL, Mr. A. P., Assistant Secretary, Ministry of Home Affairs, Belfast.
MILLAR, Mr. Alexander, Secretary, Antrim County Council.
MONTGOMERY, Miss E. S., Belfast Women's Advisory Council.
PHENIX, Mr. David J., Secretary, School Attendance Committee, Belfast.
PICKEN, Mrs. Anna C., Manageress, Shamrock Lodge Industrial School, Belfast.
WATSON, Mr. James, Manager, Malone Reformatory, Belfast.

(2) RULES AND REGULATIONS
FOR THE
CERTIFIED INDUSTRIAL SCHOOLS IN NORTHERN
IRELAND.

Approved by the Minister of Home Affairs, under the 54th Section
of the Act, 8 Edw. VII., Chap. 67.

1. NAME AND OBJECT OF SCHOOL.

Accommodation is provided in this School only for — children. This number shall not be exceeded at any one time. No child under the age of six years is chargeable on the Treasury Grant, and of the children of the age of six years and upwards not more than — are chargeable to the Treasury Grant.

2. CONSTITUTION AND MANAGEMENT (as agreed).

3. CONDITIONS OF ADMISSION (as agreed).

4. LODGING.

The children lodged in the School shall have separate beds. Every permission to board out a child, under the 53rd Section of the Children Act of 1909, shall forthwith be referred to the Minister, through the Inspector of Industrial Schools.

5. CLOTHING.

The children shall be supplied with plain, useful clothing, suitable to the season of the year, not necessarily uniform, either in material or colour.

6. DIETARY.

The Children shall be supplied with plain wholesome food, according to a scale of Dietary to be drawn up by the Medical Officer of the School and approved by the Inspector. No substantial alterations in the Dietary shall be made without previous notice to the Inspector. A copy of the Dietary shall be hung in the Dining-room.

7. INSTRUCTION.

The Scholastic Instruction of Children under 14 years of age shall be given for at least three hours daily, and shall consist of Reading, Spelling, Writing, Arithmetic, Money Matters, and, as far as practicable, the Elements of History, Geography, Singing, Drawing, and Hand and Eye Training, or such other subjects as may be approved by the Inspectors. Senior boys should receive lessons in Manual Instruction. Religious Instruction shall be given daily. In the case of children over 14 years the general rule shall be as above, but exceptions to suit the circumstances of older Children may be sanctioned by the Inspector.

8. CONDITIONS ON WHICH CHILDREN MAY ATTEND NATIONAL
SCHOOLS.

The Children may attend a National School which is part of, or attached to, the premises certified as the Industrial School, and under the same Managers, but not otherwise.

9. INDUSTRIAL EDUCATION.

The Industrial Education, as distinguished from Scholastic Instruction, for Boys shall embrace, whenever practicable, Farm and Garden Work, and such handicrafts as can be conveniently carried on. The Industrial Education, as distinguished from Scholastic Instruction, for Girls shall consist of Needlework, Laundry Work, Cooking, and Housework. Where practicable, the Girls shall be taught the Milking of Cows, Dairy Husbandry, and the Management of Pigs, Poultry, and Bees, as well as Cottage Gardening. In addition to the Scholastic Instruction, the Children, except those of tender years, shall be employed for not less than six hours daily in Industrial Education.

10. INSPECTION.

The progress of the Children in the Literary Classes of the Schools and their proficiency in Industrial Training, will be tested from time to time by Examination and Inspection.

11. A SPIRIT OF INDUSTRY TO BE CHERISHED.

The Manager shall see that the Children are constantly employed, and that they are taught to consider labour as a duty, to take kindly to it, to persevere in it, and to feel a pride in their work.

12. RELIGIOUS EXERCISES AND WORSHIP.

Each day shall be begun and ended with Prayer. On Sundays and Holidays the Children shall attend Public Worship, at some convenient Church or Chapel.

13. DISCIPLINE.

The Manager shall be authorised to punish the Children detained in the School in case of misconduct. All serious misconduct, and the Punishments inflicted for it, shall be entered in a book to be kept for that purpose, which shall be laid before the Inspector when he visits. The Manager must, however, remember that the more closely the School is modelled on a principle of judicious family government the more salutary will be its discipline, and the more effective its moral influences on the Children.

14. PUNISHMENTS.

Punishments shall consist of:—

- (a) Forfeiture of rewards and privileges, or degradation from rank, previously attained by good conduct.
- (b) Confinement in a lighted room or lighted cell.
- (c) Moderate childish punishment with the hand.
- (d) Chastisement with the cane, strap, or birch.

Referring to (b), no boy or girl shall be confined under any pretext whatever for a longer period than *two days*. Offences requiring graver penalties shall be dealt with by the Magistrates of the District in which the School is situated. No boy or girl shall be kept in solitary confinement in darkness under any pretence whatever. In confinement each offender shall be allowed one pound of bread, with gruel or milk, and water daily.

Referring to (d), personal chastisement may be inflicted by the Superintendent, or, in his presence, by an Officer specially authorised by him, and in no case may it be inflicted upon girls over 15 years of

age. In the case of girls under 15, it shall not be inflicted except in cases of urgent necessity, each of which must be at once fully reported to the Inspector. Caning on the hand is forbidden.

No punishment not mentioned above shall be inflicted.

15. RECREATION.

The Children shall be allowed at least two hours daily for Recreation and Exercise, and shall be occasionally taken out for exercise beyond the boundaries of the School, but shall be forbidden to pass the limits assigned to them without permission.

16. VISITS. RELATIVES AND FRIENDS.

Parents, other Relations, or intimate Friends, shall be allowed to visit the Children at convenient times, to be regulated by the Committee or Manager. Such privilege is liable to be forfeited by misconduct or interference with the discipline of the School by the Parents, Relatives, or Friends. The Manager is authorised to read all Letters which pass to or from the Children in the School, and to withhold any which are objectionable.

17. CHILDREN PLACED OUT ON LICENCE OR APPRENTICED.

Should the Managers of a School permit a Child, by Licence under the 67th Section of the Children Act of 1908, to live with a trustworthy and respectable person, or apprentice the Child to any trade or calling under the 70th Section of the Act, notice of such placing out on Licence, or apprenticeship of the Child, shall be sent, without delay, to the Office of the Inspector.

18. TREASURY GRANT.

Under the present Treasury arrangement no Child will be paid for out of the Funds voted by Parliament until it has reached the age of Six Years. A Child, however, under the age of Six Years may be sent to the School under an Order of Detention signed by Magistrates; but in such case the allowance for maintenance will not be made until it shall appear from the Order of Detention that the Child is Six Years old—from that date only will it be regularly paid for.

19. PROVISION ON DISCHARGE.

On the discharge of a Child from the School, at the expiration of the period of Detention, or when Apprenticed, he (or she) shall be provided, at the cost of the Institution, with a sufficient outfit, according to the circumstances of the discharge. Children when discharged shall be placed, as far as practicable, in some employment or service. If returned to relatives or friends, the travelling expenses shall be defrayed by the Managers, unless the relatives or friends are willing to do so.

20. VISITORS.

The School shall be open to the Inspection of Visitors at convenient times, to be regulated by the Committee (or Manager), and a Visitors' Book shall be kept.

21. TIME TABLE.

A Time-Table, showing the Hours of Rising, Work, School Instruction, Meals, Recreation, Retiring, &c., shall be drawn up, shall

be approved by the Inspector of Industrial Schools, and shall be fixed in the Schoolroom, and carefully adhered to on all occasions. All deviations from it shall be recorded.

22. JOURNALS, &C.

The Manager (or Master or Matron) shall keep a Journal of every thing important or exceptional that passes in the School. All admissions, discharges, licences, escapes, and serious punishments to be recorded in it. The Journal is to be laid before the Inspector when he visits.

23. MEDICAL OFFICER.

A Medical Officer shall be appointed to visit the School periodically. He shall enter his visits in books kept for that purpose, with a note of all serious cases of illness attended by him in the school, their course, duration, and the treatment prescribed. He shall also make a quarterly examination of each Child individually, and give a quarterly report as to the fitness of the Children for the training of the School, their general health, and the *sanitary state of the School*. The quarterly report shall be in such form as may be prescribed from time to time by the Minister. Application should be made to the Minister for the discharge of any inmate certified by the Medical Officer as medically unfit for detention.

In the case of the serious illness of any inmate, notice shall be sent to the parents and special visits allowed.

24. INQUESTS.

In the case of the sudden or violent death or the death under suspicious circumstances of any Inmate of the School, a report of the circumstances should be at once made to the local Police for the information of the Coroner, a similar report being at the same time sent to the Inspector.

25. RETURNS, &C.

The Manager (or Secretary) shall keep a Register of admissions and discharges, with particulars of the parentage, previous circumstances, &c., of each Child admitted, and of the disposal of each Child discharged, and such information as may afterwards be obtained regarding him, and shall regularly send to the Office of the Inspector the Returns of Admission and Discharge, the Quarterly List of Children under detention, and the Quarterly Accounts for their maintenance, and any other returns that may be required by the Inspector. All Orders of Detention shall be carefully kept amongst the Records of the School.

26. INSPECTOR.

All Books and Journals of the School shall be open to the Inspector for examination. Any teacher employed for the instruction of the Inmates shall be examined by him, if he thinks it necessary. Immediate notice shall be given to him of the appointment, death, resignation, or dismissal of the Superintendent and of the School Teacher. Notice shall be given to him of any change in the Management of the School, and a yearly Statement of the Receipts and Expenditure of the School, showing all debts and liabilities, and duly vouched by the Committee (or Manager), shall be sent to him in the month of April of each year.

(3) SCALE OF EXISTING TREASURY GRANTS TO
REFORMATORY AND INDUSTRIAL SCHOOLS,
NORTHERN IRELAND.

REFORMATORY SCHOOLS.

| | Current Rate. per week. |
|---|---------------------------------|
| 1. For all ordinary cases (Children Act, s. 57). | 8/- for Boys. 8/6 for Girls. |
| 2. For young prisoners placed in Reformatory Schools under conditional pardon (Children Act, s. 84). | 8/- |
| 3. For youthful offenders on licence :— | |
| For first 13 weeks | 2/- |
| For following 26 weeks | 1/- |
| 4. For youthful offenders recalled under Section 68 (3) of the Children Act. | 8/- for Boys. 8/6 for Girls. |
| 5. For youthful offenders detained in a special School under section 62 (2) of the Children Act, an additional allowance of 2/- a week will be made | .. |

INDUSTRIAL SCHOOLS.

| | |
|--|------|
| 1. For ordinary cases (Children Act, s. 58 (1), (2), (3)). | 7/6 |
| 2. For Education Act cases (Children Act, s. 133 (20)) | 4/6 |
| 3. For incorrigible children (Children Act, s. 58 (4)) | 2/- |
| 4. For children sent at instance of the Guardians (Children Act, s. 58 (5)). | Nil. |
| 5. For children over 16 recalled to Industrial Schools :— | |
| Sent under Section 58 (4) as incorrigible. | 2/- |
| Sent under any other provision. | 7/6 |
| 6. For children boarded out under section 53 of the Children Act :— | |
| Where the grant for an inmate would be not less than 5/- | 3/6 |
| 7. For children sent to a special school under section 62 (2) of the Children Act, an additional allowance of 2/- a week will be paid, except for cases under section 58 (4) (incorrigible children). | |
| 8. The Treasury Grant is not payable for the maintenance of children under six years of age detained in Industrial Schools. | |
| 9. The following payments will be made towards the expenses of the emigration of children :— | |
| (i) Half of the expenses, but not exceeding £8, for a child under 13 on the 1st of April of the year of emigration. | |
| (ii) One-third of the expenses, but not exceeding £5, for a child of or above 13 but under 14 on the 1st of April of the year of emigration, and (in exceptional cases) for a child over 14, if the Minister is satisfied that a grant is desirable in order to secure emigration. | |

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| School. | Antrim. | Belfast. City. | Armagh. | Down. | Fermanagh | London- Derry County. | London- Derry City. | Tyrone. |
|-------------------|---------|-------------------|---------|-------|-----------|-----------------------------|---------------------------|---------|
| Balmoral .. | 18/- | — | 5/- | 18/- | — | 5/- | 5/- | 18/- |
| Hampton House.. | 5/- | 5/- | 4/- | 5/- | — | 4/6 | — | 5/- |
| Milltown .. | 5/- | 5/- | 5/- | 5/- | 5/- | 5/- | 5/- | 5/- |
| Nazareth Lodge .. | — | 5/- | — | 5/- | — | — | — | 5/- |
| Whiteabbey .. | 5/- | 5/- | 4/- | 5/- | — | — | — | 5/- |
| Shamrock Lodge.. | 5/- | 5/- | — | 5/- | — | — | — | 5/- |
| Middletown .. | — | — | 4/- | — | — | 5/- | — | 5/- |
| Lurgan .. | 5/- | — | 5/- | 5/- | — | — | — | — |
| Strabane .. | — | — | — | — | — | 4/6 | 4/6 | 5/- |

(5) PETTY SESSIONS DISTRICT OF BELFAST.

(a) NUMBER OF CHILDREN COMMITTED TO REFORMATORIES AND INDUSTRIAL SCHOOLS.

| Year. | Reformatories. | Industrial Schools. | Total. |
|-------|----------------|---------------------|--------|
| 1905 | 40 | 218 | 258 |
| 1906 | 27 | 279 | 306 |
| 1907 | 28 | 257 | 285 |
| 1908 | 27 | 254 | 281 |
| 1909 | 24 | 158 | 182 |
| 1910 | 52 | 116 | 168 |
| 1911 | 51 | 91 | 142 |
| 1912 | 38 | 132 | 170 |
| 1913 | 46 | 121 | 167 |
| 1914 | 33 | 133 | 166 |
| 1915 | 30 | 75 | 105 |
| 1916 | 40 | 96 | 136 |
| 1917 | 30 | 81 | 111 |
| 1918 | 25 | 49 | 74 |
| 1919 | 20 | 27 | 47 |
| 1920 | 30 | 37 | 67 |
| 1921 | 12 | 37 | 49 |
| 1922 | 12 | 21 | 33 |

(b) PARTICULARS OF CASES COMMITTED TO REFORMATORY SCHOOLS DURING THE YEAR 1920, 1921, AND 1922.

| Year | Larceny | Breaking and Entering | Loitering with intent to commit a felony. | Assault. | Begging | Total |
|------|---------|-----------------------|---|----------|---------|-------|
| 1920 | 14 | 15 | 1 | — | — | 30 |
| 1921 | 5 | 5 | 1 | — | 1 | 12 |
| 1922 | 4 | 7 | — | 1 | — | 12 |

| | | | | | | | | |
|------|---|---|---|---|---|---|---|----|
| 1921 | 3 | — | 3 | 2 | 3 | 2 | 2 | 37 |
| 1922 | 2 | 2 | — | 4 | — | 8 | 1 | 21 |

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(5) PETTY SESSIONS DISTRICT OF BELFAST (CONTD.)

(d) QUARTER ENDING 31st MARCH, 1920.

TOTAL NUMBER OF JUVENILE CASES—605.

| Offence. | Dis- missed. | Dis- missed with caution. | Put under Probation Officer. | Ordinary Probation | Fined | Re- formatory | In- dustrial School | Committed to care of Minister of Pensions. |
|---|-----------------|------------------------------------|---------------------------------------|-----------------------|-------|------------------|---------------------------|---|
| Breaking and Entering | 2 | 11 | 3 | — | — | 1 | — | — |
| Street Offences | 3 | 50 | — | — | 167 | — | — | — |
| Larceny | 23 | 19 | 20 | 1 | 2 | 7 | — | — |
| Assault | 1 | — | — | — | — | — | — | — |
| Malicious Injury | 2 | — | — | 2 | 1 | — | — | — |
| Cruelty to Animals | — | — | — | — | 1 | — | — | — |
| Vagrancy | 2 | 2 | 1 | 1 | — | — | — | — |
| Parent convicted of an act of cruelty under Part II of Act | — | — | — | — | — | — | — | 12 |
| Railway Offence | — | — | — | — | 2 | — | — | — |
| Found wandering and having a parent who does not exercise proper guardianship | — | — | — | — | — | — | 1 | — |
| Charged with an offence which is punishable in case of an adult by imprisonment | — | — | — | — | — | — | 2 | — |
| Begging | — | — | — | — | — | — | 1 | — |

The apparent discrepancy between the total number of cases shown at the top and those accounted for as disposed of under the several headings is made up of cases marked in the books as "adjourned," "no appearance," "withdrawn," "defendant sent to a place of detention until next Court." The reason for so many cases having been adjourned is because when children are brought up it is frequently found that enquiry has not yet been made with regard to the surroundings, etc., of the child, or that the parent has not been summoned to attend, or that some of the necessary witnesses are not present in Court.

TOTAL NUMBER OF JUVENILE CASES—254

| Offence. | Dismissed. | Dismissed with caution. | Put under Probation Officer. | Fined. | Reformatory. | Industrial School. |
|--|------------|-------------------------|------------------------------|--------|--------------|--------------------|
| Riot .. | 2 | — | — | — | — | — |
| Breaking and Entering .. | — | 24 | — | — | — | — |
| Street Offence .. | 4 | 29 | 6 | — | — | — |
| Vagrancy .. | — | 1 | 3 | 6 | — | — |
| Larceny .. | 5 | 11 | 4 | — | 2 | — |
| Cruelty to Animals .. | — | — | — | 1 | — | — |
| Malicious Injury .. | 2 | 6 | — | 2 | — | — |
| Assault .. | — | — | — | — | 1 | — |
| Found wandering and not having any visible means of subsistence. | — | — | — | — | — | 1 |

The apparent discrepancy between the total number of cases shown at the top and those accounted for as disposed of under the several headings is made up of cases marked in the books as "adjourned," "no appearance," "withdrawn," "defendant sent to a place of detention until next Court." The reason for so many cases having been adjourned is because when children are brought up it is frequently found that enquiry has not yet been made with regard to the surroundings, etc., of the child, or that the parent has not been summoned to attend, or that some of the necessary witnesses are not present in Court.

(6) BALMORAL INDUSTRIAL SCHOOL
 GROUNDS OF COMMITTALS.—YEARS 1903 to 1922.

| Year. | Begging or receiving Alms. | Wandering and not Having Proper Guardianship. | Wandering and not having any Home or visible means of subsistence or settled Place of Abode. | Wandering and Having no Parent or Guardian. | Destitute, being an Orphan. | Destitute and having surviving parent in Prison. | Frequenting the Company of Reputed Thieves. | Frequenting the Company of Prostitutes. | In a Brothel. | Under 12 Years Charged with an offence. | Between 12 and 14 Charged with an Offence. | Non-Compliance with School Attendance Order. | Uncontrollable by Parents or Guardians. | Refractory in Union. | Under care of Parent or Guardian who is unfit to have care of Child. | Breach of Street Trading Bye-Laws. |
|-------|----------------------------|---|--|---|-----------------------------|--|---|---|---------------|---|--|--|---|----------------------|--|------------------------------------|
| 1903 | 2 | 26 | 13 | 0 | 12 | 9 | 31 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1904 | 1 | 28 | 7 | 0 | 9 | 4 | 14 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1905 | 0 | 29 | 4 | 0 | 10 | 3 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1906 | 2 | 41 | 0 | 0 | 0 | 2 | 20 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1907 | 4 | 36 | 8 | 0 | 9 | 6 | 12 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1908 | 1 | 34 | 12 | 0 | 5 | 6 | 12 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1909 | 2 | 10 | 10 | 0 | 13 | 10 | 11 | 0 | 2 | 7 | 0 | 1 | 0 | 0 | 0 | 0 |
| 1910 | 3 | 10 | 7 | 0 | 5 | 19 | 10 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1911 | 0 | 11 | 2 | 1 | 6 | 9 | 1 | 0 | 0 | 10 | 2 | 1 | 0 | 0 | 0 | 0 |
| 1912 | 7 | 11 | 1 | 1 | 8 | 7 | 4 | 0 | 0 | 11 | 7 | 2 | 0 | 0 | 5 | 0 |
| 1913 | 6 | 8 | 2 | 0 | 10 | 9 | 2 | 2 | 4 | 2 | 1 | 3 | 1 | 1 | 10 | 1 |
| 1914 | 5 | 6 | 2 | 0 | 14 | 12 | 0 | 0 | 0 | 10 | 7 | 5 | 0 | 0 | 14 | 0 |
| 1915 | 1 | 4 | 0 | 0 | 8 | 2 | 0 | 0 | 0 | 3 | 1 | 1 | 0 | 0 | 0 | 0 |
| 1916 | 4 | 16 | 0 | 0 | 4 | 0 | 0 | 3 | 0 | 10 | 9 | 2 | 1 | 1 | 6 | 0 |
| 1917 | 1 | 5 | 1 | 0 | 13 | 2 | 1 | 0 | 1 | 12 | 6 | 12 | 0 | 0 | 5 | 0 |
| 1918 | 3 | 0 | 0 | 0 | 3 | 5 | 2 | 0 | 1 | 8 | 4 | 1 | 0 | 0 | 2 | 0 |
| 1919 | 0 | 0 | 0 | 0 | 4 | 2 | 0 | 0 | 1 | 2 | 4 | 2 | 0 | 0 | 0 | 0 |
| 1920 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 5 | 1 | 0 | 0 | 0 |
| 1921 | 0 | 10 | 1 | 0 | 2 | 2 | 0 | 0 | 0 | 2 | 1 | 5 | 3 | 0 | 0 | 0 |
| 1922 | 0 | 1 | 0 | 0 | 2 | 2 | 2 | 0 | 0 | 2 | 1 | 1 | 0 | 0 | 2 | 0 |
| Total | 42 | 300 | 70 | 2 | 142 | 111 | 135 | 7 | 0 | 108 | 46 | 43 | 11 | 2 | 56 | 1 |

Grand Total 1,085.

| | | | | | | | | | | |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Antrim | 1 | 1 | 3 | 1 | 5 | 5 | 5 | 2 | 1 | 1 |
| Belfast City | 53 | 39 | 50 | 33 | 31 | 40 | 31 | 27 | 20 | 30 |
| Armagh | 5 | 5 | — | 1 | — | 1 | 5 | 2 | 1 | — |
| Down | 2 | 4 | 8 | 2 | 5 | 5 | 4 | 1 | 2 | 1 |
| Fermanagh | — | — | — | — | 1 | 1 | — | 1 | — | 1 |
| Londonderry | — | 1 | — | — | 1 | — | — | 1 | — | — |
| Londonderry City | 2 | 3 | 3 | 5 | 5 | 3 | 2 | 4 | 2 | 2 |
| Tyrone | 2 | 1 | 4 | — | — | — | — | — | 1 | — |
| TOTAL | 65 | 54 | 68 | 42 | 48 | 55 | 47 | 38 | 27 | 34 |

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(7) (b) THE FOLLOWING TABLE GIVES THE NUMBERS ADMITTED INTO INDUSTRIAL SCHOOLS ON COMMITMENT DURING THE TEN YEARS 1911-1920, FROM THE TWO CITIES AND SIX COUNTIES OF NORTHERN IRELAND.

| Cities and Counties. | 1911 | 1912 | 1913 | 1914 | 1915 | 1916 | 1917 | 1918 | 1919 | 1920 |
|----------------------|------|------|------|------|------|------|------|------|------|------|
| Antrim .. | 11 | 22 | 15 | 13 | 22 | 9 | 13 | 16 | 9 | 4 |
| Belfast City .. | 91 | 127 | 120 | 133 | 74 | 96 | 81 | 49 | 28 | 37 |
| Armagh .. | 5 | 3 | 6 | 4 | 2 | — | 5 | 3 | 1 | 2 |
| Down .. | 18 | 11 | 17 | 7 | 9 | 22 | 21 | 16 | 2 | 5 |
| Fermanagh .. | — | 2 | — | — | — | 1 | — | — | — | 1 |
| Londonderry .. | 1 | 4 | 5 | 6 | 2 | 2 | 1 | 2 | 3 | — |
| Londonderry City .. | 5 | 1 | 3 | 4 | 1 | 3 | — | 1 | — | — |
| Tyrone .. | 17 | 27 | 10 | 6 | 14 | 4 | 13 | — | 5 | 9 |
| TOTAL .. | 148 | 197 | 176 | 173 | 124 | 137 | 134 | 87 | 48 | 58 |

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| | | | | | | | | | | |
|-------|----|----|-----|----|---|---|----|----|----|-------|
| 1900 | 4 | 1 | 65 | 2 | 0 | 1 | 0 | 0 | 0 | 66 |
| 1907 | 4 | 2 | 67 | 0 | 0 | 2 | 1 | 0 | 1 | 74 |
| 1908 | 4 | 0 | 63 | 3 | 0 | 0 | 2 | 0 | 1 | 78 |
| 1909 | 9 | 2 | 44 | 6 | 0 | 1 | 4 | 0 | 0 | 77 |
| 1910 | 7 | 1 | 48 | 2 | 0 | 0 | 3 | 3 | 2 | 70 |
| 1911 | 3 | 4 | 35 | 7 | 0 | 0 | 3 | 1 | 0 | 62 |
| 1912 | 5 | 0 | 55 | 6 | 0 | 0 | 0 | 1 | 0 | 62 |
| 1913 | 5 | 1 | 44 | 8 | 0 | 0 | 2 | 1 | 0 | 50 |
| 1914 | 5 | 2 | 64 | 2 | 0 | 0 | 3 | 1 | 0 | 69 |
| 1915 | 0 | 0 | 18 | 1 | 0 | 0 | 2 | 0 | 0 | 62 |
| 1916 | 4 | 0 | 46 | 5 | 0 | 0 | 1 | 1 | 0 | 75 |
| 1917 | 7 | 2 | 29 | 14 | 0 | 0 | 1 | 1 | 0 | 21 |
| 1918 | 7 | 0 | 19 | 4 | 0 | 0 | 0 | 5 | 0 | 56 |
| 1919 | 5 | 0 | 13 | 1 | 0 | 0 | 2 | 0 | 2 | 59 |
| 1920 | 1 | 0 | 11 | 0 | 0 | 0 | 1 | 0 | 3 | 35 |
| 1921 | 2 | 0 | 19 | 5 | 0 | 0 | 0 | 0 | 0 | 21 |
| 1922 | 2 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| | | 0 | | | | | | | | 26 |
| | | | | | | | | | | 0 |
| Total | 83 | 17 | 861 | 78 | 0 | 4 | 25 | 16 | 11 | 1,085 |

(9) RETURN SHOWING NUMBER OF ADMISSIONS TO NORTHERN IRELAND REFORMATORY
AND INDUSTRIAL SCHOOLS FOR TEN YEARS, 1913—1922.

| REFORMATORY SCHOOLS. | 1913 | 1914 | 1915 | 1916 | 1917 | 1918 | 1919 | 1920 | 1921 | 1922 |
|-----------------------------|------|------|------|------|------|------|------|------|------|------|
| Malone Reformatory | 39 | 20 | 30 | 31 | 27 | 20 | 19 | 19 | 5 | 10 |
| *Milltown Reformatory | — | — | — | — | — | — | — | — | — | 5 |
| TOTAL | 39 | 20 | 30 | 31 | 27 | 20 | 19 | 19 | 5 | 15 |
| INDUSTRIAL SCHOOLS. | | | | | | | | | | |
| Balmoral | 62 | 75 | 21 | 56 | 59 | 35 | 21 | 12 | 26 | 14 |
| Hampton House | 22 | 19 | 8 | 8 | 8 | 9 | 9 | 5 | 3 | 2 |
| Milltown | 33 | 25 | 27 | 24 | 24 | 22 | 8 | 17 | 9 | 15 |
| Nazareth Lodge | 54 | 38 | 31 | 11 | 8 | 7 | — | 4 | 2 | 3 |
| Whiteabbey | 11 | 18 | 4 | 12 | 14 | 5 | 1 | 1 | 7 | 2 |
| Shamrock Lodge | 17 | 9 | 10 | 8 | 15 | 4 | 5 | 2 | 7 | 7 |
| Middletown | 14 | — | 8 | 6 | 11 | 3 | — | 5 | 5 | 4 |
| Lurgan (Boys) | 3 | 12 | 9 | 3 | 11 | 7 | 1 | 1 | 4 | — |
| Lurgan (Girls) | 3 | 5 | 11 | — | 7 | 6 | 1 | 4 | 3 | 1 |
| Strabane | 9 | 16 | 24 | 11 | 6 | 6 | 4 | 4 | 4 | — |
| TOTAL | 228 | 217 | 153 | 139 | 163 | 104 | 50 | 55 | 70 | 48 |

*Not certified until June, 1922.

(10) COMPARATIVE TABLE OF HEIGHTS, WEIGHTS, AND CHEST MEASUREMENTS OF BOYS IN THE INDUSTRIAL SCHOOLS OF GREAT BRITAIN AND BALMORAL INDUSTRIAL SCHOOL.

| Age Last Birth-day | Height in Inches | Weight in Lbs. | Chest Measurement in Inches | Nature of School | Place |
|--------------------|------------------|----------------|-----------------------------|------------------|----------------|
| 14 | 55.61 | 81.25 | 28.38 | General | Great Britain. |
| 14 | 55.67 | 82.22 | 28.38 | Ships | do. |
| 14 | 55.62 | 81.44 | 28.55 | Country | do. |
| 14 | 55.57 | 80.39 | 28.20 | Town | do. |
| 14 | 56.25 | 85.28 | 29.45 | Country | Balmoral |

Table showing the Inferiority in Physique of Boys now in Balmoral as compared with those in the School in 1903.

| Age last birth-day | Year | Height in Inches | Weight in Lbs. | Chest Measurement in Inches | School | Nature of School |
|--------------------|------|------------------|----------------|-----------------------------|----------------|------------------|
| 14 | 1903 | 55.62 | 81.44 | 28.55 | Great Britain. | Country. |
| 14 | 1903 | 56.25 | 85.28 | 29.45 | Balmoral. | Country. |
| 14 | 1923 | 56.25 | 82.3 | 29.1 | Balmoral. | Country. |

(11) RETURN SHOWING THE NUMBER OF DEATHS IN NORTHERN IRELAND REFORMATORY
AND INDUSTRIAL SCHOOLS DURING THE TEN YEARS 1911-1920.

| SCHOOLS. | 1911 | 1912 | 1913 | 1914 | 1915 | 1916 | 1917 | 1918 | 1919 | 1920 | Total |
|-------------------------------------|------|------|------|------|------|------|------|------|------|------|-------|
| Malone Reformatory .. | — | — | 2 | — | — | 1 | 1 | 1 | — | — | 5 |
| Balmoral Industrial School .. | 2 | 3 | 1 | 1 | 4 | 4 | 1 | 4 | 2 | 3 | 25 |
| Hampton House Industrial School .. | 1 | 1 | — | 1 | — | — | 2 | 3 | 1 | — | 9 |
| Milltown Industrial School .. | — | 1 | — | 1 | — | 1 | — | — | 1 | — | 4 |
| Nazareth Lodge Industrial School .. | 1 | — | 1 | 7 | — | 2 | — | 2 | — | 5 | 18 |
| Whiteabbey Industrial School .. | — | 1 | — | 1 | 1 | 1 | 3 | 1 | 1 | 1 | 10 |
| Shamrock Lodge Industrial School .. | — | — | — | — | 2 | — | — | — | — | — | 2 |
| Middletown Industrial School .. | — | — | — | — | — | — | 1 | — | — | — | 1 |
| Lurgan Boys Industrial School .. | — | — | — | — | — | — | — | — | — | 1 | 1 |
| Lurgan Girls Industrial School .. | — | — | — | — | — | — | — | — | — | — | — |
| Strabane Industrial School .. | 1 | 3 | — | — | — | — | — | 1 | — | 1 | 6 |
| TOTAL .. | 5 | 9 | 4 | 11 | 7 | 9 | 8 | 12 | 5 | 11 | 81 |

(12) RETURN SHOWING NET COST PER HEAD PER WEEK IN THE UNDER-MENTIONED REFORMATORY AND INDUSTRIAL SCHOOLS IN NORTHERN IRELAND, AS DISCLOSED IN THE FINANCIAL RETURNS FOR PERIOD 22ND NOVEMBER, 1921, (APPOINTED DAY) TO 31ST MARCH, 1922.

COMPILED BY MANAGERS AND CERTIFIED BY QUALIFIED ACCOUNTANT.

| SCHOOLS. | s. | d. |
|---------------------------------|----|----|
| Malone Reformatory | 20 | 9 |
| Balmoral Industrial School..... | 24 | 2 |
| Hampton House | 27 | 3 |
| Milltown | 17 | 3 |
| Nazareth Lodge..... | 15 | 0 |
| Whiteabbey | 12 | 11 |
| Shamrock Lodge | 15 | 0 |
| Middletown..... | 15 | 9 |
| Lurgan (Boys) | 16 | 11 |
| Lurgan (Girls) | 13 | 9 |
| Strabane | 16 | 3 |

Net average cost per head per week for all schools in Northern Ireland, 17s. 9d.

(13) TABLE SHOWING AVERAGE COST PER BOY PER WEEK, WITH THE AMOUNTS RECEIVED PER WEEK FROM THE VARIOUS LOCAL AUTHORITIES IN NORTHERN IRELAND AND THE TREASURY FOR CHILDREN IN BALMORAL INDUSTRIAL SCHOOL, FOR THE YEAR ENDED 31ST DECEMBER, 1914, ALSO FOR THE YEAR ENDED 31ST MARCH, 1922.

| | | 1914. | | | | | | |
|-----------------|------|------------|--------|---------|------|---------------------------------------|------------------|--------|
| | | £0 8 8 | | | | | | |
| | | 361 | | | | | | |
| | | Antrim | Armagh | Belfast | Down | London-London- derry Bor- ough. | derry County. | Tyrone |
| Average No. | | 37 | 10 | 275 | 23 | 0 | 10 | 7 |
| Local Authority | 2/9 | 2/9 | 2/7 | 2/7 | 2/6 | 2/6 | 2/6 | |
| Treasury | 4/9 | 4/9 | 4/11 | 4/11 | 5/- | 5/- | 5/- | |
| Total Grants | 7/6 | 7/6 | 7/6 | 7/6 | 7/6 | 7/6 | 7/6 | |
| | | 1921-1922. | | | | | | |
| Average Cost | | £1 6 1 | | | | | | |
| Average Number | | 191 | | | | | | |
| Average No. | | 23 | 4 | 107 | 20 | 2 | 4 | 5 |
| Local Authority | 18/- | 5/- | 19/- | 18/- | 5/- | 5/- | 5/- | |
| Treasury | 7/- | 7/6 | 7/1 | 5/10 | 7/6 | 7/6 | 7/6 | |
| Total Grants | 25/- | 12/6 | 26/1 | 23/10 | 12/6 | 12/6 | 12/6 | |
| | | * | * | * | * | * | * | * |

*In these cases Belfast Corporation had to make up the difference. In the cases of Antrim and Down the amount is recoverable under the terms of their Agreement.

(14) ESTIMATED COST PER BOY PER WEEK IF THE BALMORAL INDUSTRIAL SCHOOL HAD BEEN FULL FOR THE YEAR ENDED 31st MARCH, 1922.

| | | | | | |
|---|----|----|----|----|---------|
| SALARIES AND WAGES | .. | .. | .. | .. | £0 5 0 |
| Food | .. | .. | .. | .. | 0 6 4 |
| Clothing | .. | .. | .. | .. | 0 2 9 |
| Rent and Repairs | .. | .. | .. | .. | 0 0 8 |
| Washing, Fuel, Light, Cleaning Materials, and Water | .. | .. | .. | .. | 0 1 1 |
| Printing, Stationery, School Books, Telephone and Insurance | .. | .. | .. | .. | 0 0 2 |
| Furniture, Bedding and Household Sundries | .. | .. | .. | .. | 0 0 3 |
| Repayment of Loan and Miscellaneous | .. | .. | .. | .. | 0 0 2 |
| Total Ordinary Charges | .. | .. | .. | .. | £0 16 5 |
| SPECIAL CHARGES. | | | | | |
| Expenditure due to Military Occupation | .. | .. | .. | .. | 0 0 10 |
| New Band Equipment | .. | .. | .. | .. | 0 0 5 |
| Total Expenditure | .. | .. | .. | .. | £0 17 8 |
| SUMMARY. | | | | | |
| SALARIES AND WAGES | .. | .. | .. | .. | £0 5 0 |
| Food | .. | .. | .. | .. | 0 6 4 |
| Clothing | .. | .. | .. | .. | 0 2 9 |
| Other Ordinary Charges | .. | .. | .. | .. | 0 2 4 |
| Total | .. | .. | .. | .. | £0 16 5 |
| Special Charges | .. | .. | .. | .. | 0 1 3 |
| Total | .. | .. | .. | .. | £0 17 8 |

NOTE.—This Estimate is based on the prices paid during the Twelve Months ended 31st March, 1922, including Salaries for extra Teachers for increased number of boys.

(15) BALMORAL INDUSTRIAL SCHOOL.
COST PER BOY PER WEEK AND GRANTS FROM
TREASURY AND LOCAL AUTHORITIES.

| Year. | Average Number | Food | Clothing | Salaries | Other Charges | Grants | |
|-------|----------------|------|----------|----------|---------------|--------------------|-------------------|
| | | | | | | Local Authorities. | Treasury. |
| 1907 | 415 | 2/5 | 1/6 | 1/6 | 2/11 | 2/6 | 5/- |
| 1908 | 419 | 2/9 | 1/6 | 1/4 | 2/3 | 2/6 and 5/6 | 5/-, 2/- |
| 1909 | 412 | 2/7 | 1/6 | 1/4 | 2/5 | do. | do. |
| 1910 | 406 | 3/9 | 1/6 | 1/5 | 3/- | do. | do. |
| 1911 | 385 | 2/7 | 1/7 | 1/5 | 2/9 | do. | do. |
| 1912 | 392 | 2/7 | 1/6 | 1/3 | 2/6 | do. | do. |
| 1913 | 376 | 2/5 | 1/6 | 1/8 | 2/10 | do. | do. |
| 1914 | 361 | 2/7 | 1/8 | 1/10 | 2/7 | do. | do. |
| 1915 | 337 | 3/2 | 1/6 | 2/- | 2/11 | do. | do. |
| 1916 | 301 | 3/7 | 1/11 | 2/2 | 3/2 | do. | do. |
| 1917 | 364 | 5/9 | 1/11 | 2/- | 3/- | do. | do. |
| 1918 | 348 | 4/7 | 2/- | 2/4 | 2/- | 3/6 and 6/6 | 6/-, 3/- and 2/- |
| 1919 | 235 | 7/4 | 4/2 | 3/4 | 5/- | 5/- and 8/- | 7/6, 4/6 and 2/- |
| 1921 | 191 | 6/4 | 2/9 | 9/7 | 7/5 | 18/- and 5/- | 7/6, 4/6, and 2/- |
| 1922 | | | | | | | |

(16) RETURN SHOWING THE NUMBER OF YOUNG PRISONERS, MALE AND FEMALE, SENTENCED TO IMPRISONMENT BY NORTHERN IRELAND COURTS IN LOCAL PRISONS IN NORTHERN IRELAND AT UNLOCK ON FRIDAY, 26TH JANUARY, 1923.

| Local Prison. | Sex. | No. between 16 and 21. | No. between 21 and 25. |
|-------------------|--------|------------------------|------------------------|
| Belfast | Male | 100 | 75 |
| Londonderry | Male | 13 | 28 |
| Armagh | Female | 2 | 7 |
| Total | | 115 | 110 |

Grand Total (16 to 25 years) 225.

These numbers are exclusive of 10 Borstal Inmates committed from Northern Ireland in England and about 40 Borstal Inmates from Northern Ireland in the Free State and also of any Convicts in Scotland from Northern Ireland who may be under 25 years of age.

(17) COPY OF QUESTIONNAIRE ADDRESSED TO RESIDENT
MAGISTRATES IN NORTHERN IRELAND AND THEIR
REPLIES.

The Departmental Committee on the Reformatory and Industrial Schools which is sitting at present has had under consideration the remarkable fall in the number of committals to those institutions for several years past, for which various causes have been suggested, and they would value any information which you can give throwing light upon the causes of this fall.

For your information, three returns are enclosed—(1) showing the numbers admitted upon conviction during the ten years 1911-1920 into Reformatory Schools from the two cities and six counties of Northern Ireland; (2) showing the numbers admitted into Industrial Schools on commitment during the ten years 1911-1920 from the two cities and six counties of Northern Ireland; (3) return showing the number of young prisoners, male and female, sentenced to imprisonment by Northern Ireland Courts in Local Prisons in Northern Ireland at unlock on Friday, 26th January, 1923; also copy of Warrant of Appointment including terms of reference to the Committee.

In addition to any general remarks which you may wish to make, the Committee would be obliged for information on the following points:—

(1) Has there been any marked reduction in the number of youthful offenders and other children eligible for committal to Reformatory and Industrial Schools brought into court in your area of recent years, and if so, to what causes do you attribute such reduction?

(2) Are you inclined to think it likely to continue?

(3) Of the children so brought up, is as large a proportion as formerly committed to Reformatory and Industrial Schools? If not, to what is the reduction in numbers due in your opinion?

(4) Will you kindly favour the Committee with your views on the considerations which should influence magistrates in deciding, in the case of a child brought before them, between

(a) Sending him home under probation.

(b) Sending him to an Industrial School.

(c) Sending him to a Reformatory?

(5) Do you think that probationary treatment should always be tried in the first instance? If it fails would you be disposed to give it further trials?

(6) What is your general opinion as to the relative effectiveness of the above-mentioned three methods of treatment in checking or eradicating a tendency to crime in the young?

(7) Are you satisfied that adequate evidence as to the home conditions of children brought into court is always furnished?

(8) Can you suggest any improvements in the present methods of dealing with juvenile crime, and the causes tending to produce it?

(9) Are you in favour of Borstal Institutions for young offenders over 16 years of age?

COPY OF THE NINE REPLIES RECEIVED.

I.

BELFAST POLICE COURTS.

(1) I came to Belfast in 1919. In that year according to attached return there were 28 children committed to Industrial Schools; in 1920 there were 37. In 1919 there were 20 children committed to Reformatories and in 1920 there were 30. During the years 1921 and 1922 the committals to Industrial Schools were 37 and 21 respectively, and to Reformatories 12 in each of these years. These figures do not show any marked reduction in the number of youthful offenders committed to Reformatories and Industrial Schools. The reduction in the case of Reformatories for the two years 1921 and 1922 is attributable to the fact that during those years the police were not performing their ordinary functions.

(2) See answer to No. 1.

(3) Yes. I have observed no difference in the proportion since I have been here.

(4) The different methods of dealing with youthful offenders and children are quite distinct. A child brought up under the provisions of section 58 (1) of the Children Act could neither be put on probation nor sent to a Reformatory. Under S.S. 2. of that Section he could be either put under probation or sent to an Industrial School. Under S.S. 3 he could be put under probation, sent to an Industrial School or to a Reformatory. When a child is charged with an offence the Magistrates usually, if it is a first offence, allow him out on probation on his parent entering into a Recognizance. If a second offence he is usually put under a Probation Officer. If the Probation Officer reports unfavourably on his conduct he is brought before the Court and convicted of the original offence and sent to a Reformatory. In addition, if a youthful offender while on probation is charged with a fresh offence he is on conviction sent to a Reformatory.

(5) Yes, unless the home surroundings of the offender are unfavourable. If it fails, the question whether the offender should be given a further trial depends on the facts of each particular case.

(6) This question could be better answered by the Managers of the Reformatories and Industrial Schools.

(7) Yes.

(8) No.

(9) This question could be better answered by the Manager of such an Institution.

(Signed)

JAMES ROCHE,

R.M. Belfast.

26th March, 1923.

II.

BELFAST POLICE COURTS.

The falling off in the number of Committals to Reformatory and Industrial Schools is partly due, in my opinion, to the belief among many Magistrates that young people sent to these Institutions come out of them worse than when they go in, or at least not improved, (they compare notes there, they say, and learn more badness), and

partly to the disinclination of many magistrates to take youths out of the custody of their parents.

There has not been any marked reduction in the number of youthful criminals eligible for committal to these institutions brought into my court in recent years. Magistrates are inclined to give these offenders too many chances of turning over a new leaf; some Probation Officers have complained to me that they do not get the children soon enough.

I think a youthful offender where brought into Court for the first time should be severely cautioned and told what the consequence of a second offence would be, that is, if the first offence was not a serious one; if it was, such as breaking and entering, he should be put under a Probation Officer at once, and if his treatment fails and they are again charged with a serious offence, they should be sent off to an Industrial School or Reformatory.

I can only speak for myself; I am only one of a crowd and cannot possibly say what operates in the mind of any other magistrate when he is called upon to decide the punishment to be ordered against criminals old or young. It sometimes puzzles me.

Probationary treatment should always be tried in the first instance. We have seldom adequate evidence of the home conditions of children brought into Court unless the child has already been under a Probationary Officer. I prefer Borstal Institutions to ordinary prisons.

(Signed) J. GRAY, R.M. for Belfast.

10th March, 1923.

III

BALLYMENA.

(1) I am not aware of any "marked reduction" in the number of youthful offenders brought into Court in recent years. I should not be surprised if, on the contrary, the numbers were on the increase, due, in the main, to post war conditions, decline of parental responsibility, influence of Picture-houses, &c.

(2) Should there be, in any particular area, a marked reduction it may be due in some degree to the fact that the police may not be fully aware of the duties imposed on them by Section 58 sub-section 8 of the *Children Act, 1908*.

(3) No, not nearly so many. This is chiefly due to the more extensive use which Magistrates make of the *Probation of Offenders Act*, but there are other causes:—

(a) There is a reluctance on the part of many local Magistrates to send Children to either Industrial or Reformatory Schools. Some of them seem to be influenced by the criticisms of these institutions which they read from time to time in the newspapers, suggesting that juveniles get contaminated there and leave the institution—more particularly the Reformatory—with more criminal instincts than when they entered. These impressions are often encouraged by strong statements from judges and others in authority—e.g., one judge is reported to have stated in Court "I would never send a child to a Reformatory."

I have never been able to discover that there is much direct ground for these impressions, beyond the fact that occasionally a young offender who has put up a term in a Reformatory appears again in

Court on a fresh charge. This is hardly matter for surprise. The Reformatory is not necessarily at fault.

It would help magistrates greatly, and possibly remove some wrong impressions, if information were circulated from time to time as to the subsequent history of cases sent to Reformatory and Industrial Schools. I assume there is a certain amount of information of this kind available in the hands of Managers of these Institutions.

Composite benches of Magistrates will rarely send a lad to a Reformatory unless he has already offended once, or often twice, regardless of the other elements in the case (an apparently vicious disposition, bad environment, criminal parents, no parental control, &c.), so that when at length he reaches the Reformatory he has already advanced some way in crime and is less amenable to ameliorative influences. He is not caught young enough.

(b) *Expense* is another consideration with magistrates. Being doubtful of the results they are less disposed to throw any cost on the public.

(4) "Sending him home on probation" would *if proper conditions* prevailed, be a far better way of dealing with him than sending him to an institution; but proper conditions do not exist, *at least in the Country districts*, and Probation is not likely to lead to good results, because it is not real or effective. There is no machinery for the purpose. In very few Country Petty Sessions Courts has a Probation Officer been appointed at all. The cases occurring are too few to justify the appointment of a paid officer or make it worth while for a suitable person to undertake the duty, and really suitable Probation Officers, paid or unpaid, are not easily found. In Probation cases everything depends on the personality of the Probation Officer and I think it will be found in practice that it is only in large cities—where Police Court Missionaries or Inspectors under the Society for the Prevention of Cruelty to Children or people of that type are often very helpful—that the system is likely to meet with much success, unless different methods are adopted. In Country districts what is required is the appointment of two or three suitable Probation Officers for each County—wholtime paid officers who would cover large areas, like the "Cruelty" Inspectors, take a real interest in their work, and give careful periodic attention to each case.

(a) Probation, where it is tried, should be a real thing. The probationer should be kept under effective supervision, and if he is not doing well he should be brought again before the Court. I cannot recall a single instance of a Probationer brought back to court for a *mere breach of conditions* (although I have considerable experience of two cities—Derry and Limerick—as well as of Country districts); and I should say this is more likely to be due to laxity of supervision than to the uniform good conduct of the Probationers. When offenders are put on probation, but not put under a probation officer, it is too often the fact that interest in the Case ends for all concerned once the order is made in Court. This tends to bring the law into disrepute, and has a demoralising effect on the probationer.

(b) I would only try (b) or (c) where (a) is not feasible. Parents should not be relieved of their responsibility, nor the family tie broken, unless it is absolutely necessary. There is a growing inclination on the part of parents at present to evade parental

responsibility and magistrates should be on their guard against encouraging it by any action they may take.

A child *charged with an offence* should *not* be sent to an *Industrial School* until full enquiry has been made as to its character, family circumstances, &c. If it is found that the child is inherently of criminal disposition and likely to contaminate others such a case should be reserved for the Reformatory. The Industrial School should be reserved for Children of a non-criminal type who from their parentage, environment, &c., would be likely to drift into crime *or* for children of 12 to 14 who have lapsed once but are not inherently vicious.

(c) If a child shows a criminal tendency and is not suitable for treatment under (a) or (b) the earlier he is sent to a Reformatory the greater the chance of ultimate success.

(5) Undoubtedly. Probation should always be tried in the first instance (subject to what I have said under iv.) both for the child's sake, and the parents'. *But the supervision must be real.* If it fails I would not be disposed to try it again, except in very rare cases, for the tendency of such a course would be to reduce the law to a farce, and encourage juvenile crime. When I put an offender on probation I generally say to him "You are getting a chance this time. If you are brought up again you must expect to be dealt with differently," or words to that effect. Suppose he is brought up again I cannot well repeat that formula without stultifying myself and infecting him and others with a contempt for the law.

(6) Owing to the absence of information as to the subsequent history of cases sent to Reformatory or Industrial Schools I am unable to express an opinion on this point; but there is no doubt that very often the *threat* of a Reformatory or Industrial School has a repressing effect, whereas the system of probation without direct supervision as practised in Country districts at present has no deterrent effect whatever and is, in my opinion, distinctly demoralizing.

(7) No. This is mainly due to the absence of a Probation Officer. We are dependent entirely on the police at present, and in many cases they have not the information we require.

(8) More responsibility should be put on the parents. They are to blame for the bulk of the juvenile crime committed either through negligence or direct instigation (e.g., in Larceny cases).

The Law of Larceny, as regards Summary Jurisdiction, is not satisfactory. It should be simplified and extended. Magistrates at present are greatly hampered.

There is an urgent need for Day Industrial Schools in which the Children will be taught a useful trade and acquire discipline and regular habits, while at the same time home life and parental control will be maintained unbroken.

In all cases sent to Reformatory and Industrial Schools more care should be taken to see that parents are made to contribute towards the children's maintenance to the full extent of their resources and to realize that if they allow their children to grow up criminals they will have to pay for it. At present the contribution in many cases is something merely nominal, like 1/- per week, a direct inducement to parents to let their children run wild and get into trouble, so that they may be relieved by the State of the burden of maintaining them.

There is great scope for women who are interested in social reform and have some leisure time to lend a helping hand in the efforts to diminish juvenile crime. I would advocate the setting up of friendly or Advisory Courts, presided over by women, for dealing with all sorts of minor transgressions by young children—not punitive but ameliorative—in which no penalties would be imposed. The parents should be summoned to attend these Courts and the family conditions enquired into, friendly advice and warning given, &c., and suitable cases put on probation, and only the cases where friendly co-operation failed should be sent on to the ordinary Petty Sessions Court.

All children under 16 should be prohibited from attending any exhibition of Films except such as are of a directly educative character.

An effort should be made to get a simpler code of Juvenile law. The Children Act of 1908 is a perplexing labyrinth and a severe trial for the lay magistrate who, after floundering in it for a time, often gets discouraged and gives up in despair.

(9) Yes. The segregation of youths up to 21 (or further) from Case-hardened criminals is most desirable, apart from the different conditions as regards work, &c., in a Borstal as contrasted with an ordinary prison.

(Signed) W. J. HARDY,
R.M. for County Antrim.

14th March, 1923.

IV.

ARMAGH.

I am disposed to attribute the fall for several years past in the number of committals to Reformatory and Industrial Schools to the increased tendency of magistrates to avail of the probation remedy. With that tendency I entirely concur. Magistrates are opposed to taking children from their homes and parents unless the circumstances practically leave no option. In my experience the probation method has been successful.

(1 and 2) There has not been a noticeable reduction in the number brought to Court in my area. The number of such cases has always been small.

(3) See first paragraph above.

(4) Each case must be governed by its own circumstances—nature and circumstances of the offence proved, character of child and parent, home circumstances, etc. If such permit, the probation course should be taken. If that be not feasible, then the magistrates must act under the provisions of Children Act, 1908, and send child, in accordance with the provisions of that Act to Industrial or Reformatory school as the circumstances proved in Court require.

Of (b) and (c) I prefer the Industrial School if the circumstances permit as under Statute quoted. I personally am not clear that Reformatory Schools have an entirely beneficial effect on the character and predilections of the inmates; and the taint of having been in such is liable to stick.

(5) Yes.

(6) I am in favour of the probation remedy as most effective.

(7) Yes. I see to that and other magistrates should do likewise.

(8) No.

(9) Yes.

(Signed) W. GORE MORIARTY,
R.M. for County Armagh.

10th March, 1923.

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V.

NEWCASTLE,
COUNTY DOWN.

I much regret that owing to my short service in Ulster, I fear I can be of little assistance to the Committee.

On general lines I submit as under:—

(1) Magistrates are less willing than formerly to send children unless absolutely necessary, both on grounds of expense and because they do not believe that Reformatory or Industrial training is a success.

No marked reduction of *offences*, as far as I can hear.

(2) Yes.

(3) See (1).

(4) (a) I consider that magistrates should always use a probationary period before sending a child to a school. If he does not improve, then send him.

(b) Industrial schools are sometimes necessary and are generally used for children of the itinerant classes in this district.

(c) I would only advise magistrates to send a boy to a Reformatory if he is a danger to the community. From experience, boys from these schools are not a success in any way as a general rule.

(5) Yes. I would, if the probation failed at first, give the child a stern warning and a second chance.

(6) I have no personal knowledge on the matter except that boys from reformatories often turn up again as criminals when adult.

(7) I always advise magistrates to take no definite action until a *trustworthy* report as to home conditions is furnished. I have often adjourned cases owing to unsatisfactory evidence on this point.

(8) I have too little experience to say. A Resident Magistrate in a country district has little juvenile crime. I would like to see the birch tried oftener in preference to treating a small boy as a criminal.

(9) I don't like shutting up boys at an impressionable age, with "bad characters" and in a prison atmosphere. I would rather run the risk of their getting into trouble. If normal, they will probably steady down; if not, no treatment, I am afraid, will turn them into decent citizens.

I regret I cannot reply more fully.

12th March, 1923.

(Signed) WALLACE DICKIE, Major,
R.M. for Co. Down.

VI.

WARRENPOINT,
CO. DOWN.

Reference your letter, dated 6th March, 1923, asking for my opinion on the various points raised, I attach my remarks on the different questions. My answers have been compiled after talking the matter over with the D.L., R.U.C., Newry, and the H.C., R.U.C., Newry, who have had a great deal of experience of this District.

(1) There has been a marked reduction in the number of youthful offenders. In Newry in 1916 a systematic series of shop-lifting and burglaries took place over a period of some four months—the work of 14 boys of between 10 and 15 years old. Owing to the firmness with which the Court dealt with this gang, i.e., 2 were sent to Reformatory and 10 to Industrial Schools, very few cases of juvenile

crime occurred until end of 1921 and 1922. It was, I believe, principally due to the action of the magistrates in dealing with these cases as mentioned which prevented to a great extent this class of crime in Newry.

(2) I think it is likely to continue.

(3) About the same proportion as formerly is still sent to a Reformatory or Industrial School. The reduction in numbers is due to a reduction in this class of crime.

(4) (a) Unless the home surroundings are very bad and such as would tend to encourage crime, I consider a child should always be placed on probation on his first charge.

(b) After a trial on Probation, if a child commits crime again, I would favour his committal to an Industrial School.

(c) If it can be avoided at all, I do not consider a child should be sent to a Reformatory, as I have rarely met a case of a boy committed to a Reformatory who benefited by it.

(5) Yes, unless his home surroundings are likely to influence him to commit further crime. If probationary treatment fails, it is nearly always due to the home environment, and in consequence I would not be disposed to give it any further trials.

(6) Provided there are suitable home conditions, I consider the first method as much the most effective in preventing or eradicating a tendency to crime. If this fails, then the child should be sent to an Industrial School or he should be sent there if his home surroundings are bad. I do not consider treatment in Reformatories tend to eradicate a tendency to crime in youthful offenders.

(7) Very often there is not adequate or satisfactory evidence brought out in court. In all cases of this class I consider the fullest and most careful evidence of home life and surroundings should always be produced.

(8) I would suggest a more rigid enforcement of School Attendance. There should be some way of preventing children under 16 years of age from attending Picture Houses at which pictures dealing with crime of various sorts and with the lives of criminals are regularly shown. A large proportion of crime committed by children is mainly due to the impressions left on their minds by attendances at such picture performances.

(9) I am in favour of Borstal Institutions for young offenders in preference to sending them to gaol.

(Signed) J. D. M. M'CALLUM, Major,
R.M. for County Down.

12th March, 1923.

VII.

Districts of:

- (1) Coleraine
- (2) Londonderry City.

PORTRUSH,
CO. ANTRIM.

In reply to your communication of the 6th instant, I have to inform you that:—

(1) there is, in my opinion no marked reduction in the number of youthful offenders and other children eligible for committal to Reformatory and Industrial Schools brought into Court in my area, while I have been stationed here, since the end of 1920.

(3) A smaller proportion of children than formerly is committed to Reformatory and Industrial Schools, Magistrates are averse from

sending to Reformatory Schools unless no other course is available ; and the plan of placing a child or young person under the supervision of a probation officer where such officer exists (as in Londonderry City for which I am now acting), and putting the parent or parents under bail to see that the arrangement is properly carried out is more frequently adopted.

(4) (a) Sending a child or young person home under probation is a good plan, in my opinion, unless the parents' or guardians' surroundings are too bad and unsuitable— provided the child or young person can be well supervised by the probation officer. Unfortunately in my District of Coleraine there is no probation officer. I may add that throughout my district much help with regard to children generally has been offered to the various Benches of Magistrates by Mr. Archibald Huston, the Inspector for the Coleraine branch of the N.S.P.C.C., who is a most energetic and efficient officer. In Londonderry City alone (for which I am now acting) have probation officers been appointed.

(b) It is, in my opinion, chiefly necessary to send a child to an Industrial School where home surroundings are bad.

(c) In my view a Reformatory should be reserved for hardened offenders alone.

(5) I think that probationary treatment, generally speaking, should be tried in the first instance, but as a rule where probationary treatment has had a proper trial and has failed, the case is one for other methods.

(6) The answer to this depends, in my view, on the nature of the home surroundings. Where these are really bad it is necessary to get the child or young person away to an Industrial School.

(7) Magistrates are not so well informed as they used to be about the home conditions of children, since the local knowledge of the Police has greatly deteriorated for the last few years. The fact too that for some years ordinary police work has been greatly in abeyance has accounted for the reduction in the number of cases against juvenile offenders brought before the Petty Sessions Courts.

(8) The chief suggestion I would make is that steps should be taken to see that all children under 14 attended school *regularly*. Not only is the present Act enforcing the attendance of children at Primary Schools an utter farce, as the maximum fine inclusive of costs is only 5/- even for a repeated offence of keeping children from school ; but, as well, I am credibly informed that many children escape attendance altogether, by not having their names on any school roll.

I should like to see the Magistrates in Country Districts able to utilize the services of a competent man, like Mr. Archibald Huston, the N.S.P.C.C. Inspector, by appointing him formally their probation officer but it would not be fair to give him extra duties without having the pay he gets from his Society increased. In almost all cases of crime by children and young persons I have found out that their school progress has been lamentable and their attendance, as might be expected, of a most desultory nature ; and I have invariably

informed myself on these points, since I believe that next to good home influence, they are at the root of the matter.

(9) Of Borstal Institutions I have no experience. So far as I am aware only one exists in Ireland at Clonmel, and I know nothing of its work and methods.

(Signed)

March, 1923.

HUME R. JONES, R.M.

VIII.

FINAGHY, BELFAST.

(1) I cannot say that I have noticed any reduction in the number of offenders suitable for Reformatory, as during my thirteen years as Magistrate no Court of which I was a member committed any person to a Reformatory. In one or two cases the Magistrates would have committed to an Industrial School, but had not power, the offenders being over 13 years of age.

When I was at Ennis, County Clare, a large number of children were committed to Industrial Schools, especially to the Female School managed by Nuns there. These children would otherwise have become derelicts; the Magistrates exercised their powers freely and willingly, to the benefit and satisfaction of the children and the whole community.

Since 1920 when I came to the North I cannot remember any cases except one or two committed for persistent default in complying with attendance orders under the Education Acts.

The reduction in the number of cases I would attribute to the following causes.

(a) During the war there was a marked decrease in all classes of crimes (adult and juvenile). Children like old age Pensioners had become a source of income and were better looked after. Drunkenness also decreased and this had an effect on the care of children.

(b) Since 1920 at least, ordinary police duties have been neglected, owing to political disturbances, consequently juvenile offences of an ordinary kind in some cases were not noticed but in most cases such offences were part of the political disturbances and escaped detection.

(2) It is hard to say if such reduction will continue. On the one hand recent events have to an extent demoralized the young and this coupled with the fact that the Police may now be expected to detect a larger percentage of offences, may lead to an increase in cases. On the other hand the increased sobriety of the people and the better care of children will tend in an opposite direction. Prima facie the reduction is evidence of an improved state of affairs and not to be lamented, even if the schools are left without sufficient pupils.

(3) I would say that Magistrates are more inclined to exercise their powers under the Children Act and the Probation of Offenders Act to leave Children under their parents' care and that they are averse to sending offenders to Reformatories and not eager to commit to Industrial School. Unless the parents are criminal or worthless Magistrates naturally think they are the proper persons to have the care of the children.

It may be also that the judicial mind is not altogether unaffected by the fact that the Rates may be increased by committals to Schools.

(4) (a) I agree that sending the child home under Probation is the natural and best course in ordinary cases. Moreover parents should not be allowed to shirk their obligations to support their children. I have seen instances of widowers and widows who were anxious to have the children committed, so that they might begin a fresh matrimonial adventure with a clean slate. It is very difficult to compel parents to perform their obligation by contributing to maintenance in Schools.

(b) The second best course is to send the child to an Industrial School. If there are no parents or unfit parents this is the only course.

As to Probation Officers, as far as I know that plan has been a complete failure. I knew of one such officer who was paid £10 per annum for years for doing nothing and in the end the Magistrates refused to re-appoint him. Such an officer to be of any use should be a person of very high qualifications and would require a high salary—such persons may be found in Belfast but not in Rural Districts.

(c) "Sending him to a Reformatory" is only resorted to when no other course is open. In the opinion of the neighbours and of the boy himself it is almost as degrading as going to prison. I hear and I fear that a large percentage of Reformatory boys are recidivists, but I cannot say if this opinion is well founded, it may be prejudice.

(5) I think that probationary treatment should be tried where possible. If there is a proper Probation Officer I would try him in every case. But if there is not and if there are no parents or guardians on whom the duty can be put the only course is to commit to a School. If a Probation fails there may be cases in which it should be tried again and again. In others a first failure may be decisive; it must be left to the discretion of the Magistrates; it would be a mistake to make a first failure decisive in all cases.

(6) In my opinion treatment at home under the care of the parents and of a proper Probation Officer (if there is one) with the assistance of Church, School and other influences is the natural and the best system. It is a serious thing to separate a child from its parents and a wrong thing to relieve the latter of their natural responsibilities; if such a system became general the effect on family life would not be good.

If home treatment be impossible the only alternative is an Industrial School. As to discipline and treatment there is not as far as I know, any radical difference between Industrial and Reformatory Schools—a larger proportion of failures may issue from the latter, but that is natural, seeing that they get a worse class of subjects.

A percentage of failure is bound to result from any and all the systems, because in some cases a tendency to crime is inherited and seems to be ineradicable. Hence we have the Habitual Criminal class. If such persons are incurable the earlier in life their disease (for it is a disease) is diagnosed, the better. It is a pitiful thing to see a man or woman going from jail to jail with short intervals during which they are allowed to prey on society. If they could be discovered in youth and segregated it would be a benefit to themselves and everybody.

No School will eradicate the evil tendency in such cases, but I fear it is not possible at present to pick out children so diseased.

But if even a tithe of the pupils are reformed the existence of the schools is justified thereby.

(7) I think the material conditions of the parents are in most cases sufficiently brought before the Court—but not always their moral history. In judging whether a child is likely to benefit by School or Borstal treatment such history might be important or perhaps medical evidence also, e.g., the Judge in deciding to send an offender to a Borstal has before him a Report from the Prison Doctor (see 8 Edwd. 7 c. 59 S. 1.)

(8) I cannot suggest any change which I can be certain would be an improvement to the present system. Change on any other condition is an evil. The Courts have been improved by the addition of Lady Magistrates and are I think as good as can be devised. But I would suggest that a codification of the law as to children would be an improvement. If a Magistrate wishes to know what Juvenile offences he can deal with and their punishments he must refer to and compare many statutes, including the Summary Jurisdiction Act, 1851, the Criminal Statutes of 1861, the Whipping Act, 1862, the Summary Jurisdiction Act, 1884, the Children's Act, 1908, Probation of Offenders Act, the Criminal Justice Act, 1914, &c. Some of these are English Statutes and have to be adapted to Irish conditions. If all were gathered up in one Act of the Northern Ireland Parliament the law would be better known and with less effort.

Again if a child over 12 is convicted of an offence he is to be committed to a Reformatory, but if not over 13 it is permissible to send him instead to an Industrial School (Secs. 57 and 58 (3) of Children's Act, 1908). This power is nugatory because most, if not all, Industrial Schools refuse to accept children charged with an offence; they will only receive those committed under Section 58 i.e., where the child has no home, &c., I think children up to 14 whatever the charge is against them should be committed to Industrial Schools. The legal presumption is that a child under 14 is incapable of criminal intent.

I would suggest that the Committee might consider if it is not advisable to drop the name Reformatory and make all Schools Industrial Schools. Then the former Reformatories would receive all juveniles between 14 and 16 convicted of offences and if any under 14 convicted of offences are found unsuitable to Industrial Schools of the 1st class they could be transferred to the 2nd class. In the same way refractory inmates in the 2nd class could be transferred to Borstals (see 8 Edwd. 7 C. 59 Sec. 2.)

Another suggestion; by Children Act 1908, sec. 111. if a child or young person is charged jointly with an adult he can be tried by an ordinary (not a juvenile) court. I think a child or juvenile should never be tried in company with an adult.

As to the causes of juvenile crime—one is the development of a militaristic spirit, playing with toy pistols leads to a desire for real guns. It is said the Picture Houses and pernicious literature are also causes and I think both these should be watched.

(9) I am decidedly in favour of Borstal Institutions and think the age limit should be raised from 21 to 23 at least. In the Act of 1908,

power was given to make such an extension. From all I have heard the Borstal in Clonmel was a success.

(Signed) GEORGE M'ELROY, R.M.

P.S.—As local Education Committees are likely soon to be established consider if they could not be utilized here in the same way as similar committees in England are made use of under the Children Act, 1908.

Cases under the Education Act for non-compliance with Attendance Orders should come in the first instance before such committees at all events.

March, 1923.

G. M'E.

IX.

OMAGH.

Reference your letter of 6th March re above, in my district in late years there has been a very decided fall in the number of suitable cases.

As regards Reformatory Schools this district has never had many cases suitable, in fact so few that I do not think any useful purpose could be gained by comparisons.

As regards Industrial Schools the number of cases have fallen from the following two causes I believe :—

- (1) Since the beginning of the Sinn Fein trouble the ordinary law of the land has not been administered as heretofore by the Police.
- (2) Since the closing of the Bray Industrial School there has been none for Protestants.

With regard to your list of questions the following are my impressions, but they are made without reference to any books :—

- (1) Yes, from the above mentioned two causes.
- (2) Impossible to prophesy.
- (3) Yes.
- (4) My district is a rural one and I think the following is a safe guide—

- (a) If the child is over 10 years don't send it to an Industrial School if possible.
- (b) If under 10 years send it to an Industrial School.
- (c) Send the hopeless cases as it is cheapest and best for the country.

I should add that in a rural district we very seldom hear of cases till they have gone too far for reformation in the ordinary way.

(5) The probation of Offenders Act is a dead letter in the country, it was found quite impossible to get officers to work it.

Have had no experience of Probationary treatment.

(6) If the child has a good home (a) is the most effective treatment, if it has not as in most cases, then (b) or (c) must be resorted to.

(7) Yes.

(8) No. In the majority of cases it is the lack of supervision by the parents, and the tendency not to punish children with the rod which is the original cause.

(9) Yes.

(Signed) B. GOSSELIN,
R.M. for Co. Tyrone.

9th March, 1923.

A.D. 1924.

| No. | CLASS III. | Sums Granted. | Appropriations in Aid. |
|-----------|---|------------------|---------------------------|
| 1. | For the salaries and certain expenses of the Ministry of Labour .. | £ 104,305 | £ 135,555 |
| 2. | For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts .. | 145,100 | — |
| 3. | For the contributions to the Unemployment Fund and to special schemes under the Unemployment Insurance Acts .. | 289,000 | — |
| 4. | For grants to local authorities, etc., for assistance in carrying out approved schemes to relieve unemployment .. | 200,000 | — |
| CLASS IV. | | | |
| 1. | For the salaries and expenses of the Ministry of Education .. | 70,619 | 101 |
| 2. | For the expenses of educational services, including grants in aid of the Teachers' Pension Fund .. | 1,900,539 | 84,000 |
| CLASS V. | | | |
| 1. | For the salaries and expenses of the Ministry of Agriculture .. | 46,544 | — |
| 2. | For the expenses of the Ministry of Agriculture in respect of agricultural institutions, improvement of live stock, agricultural research and development, and agricultural statistics, including sundry grants in aid .. | 75,929 | 33,870 |
| 3. | For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey .. | 9,687 | 819 |
| CLASS VI. | | | |
| 1. | For the salaries and expenses of the Ministry of Commerce .. | 22,380 | 900 |
| 2. | For the expenses of Harbours and commercial services, including certain grants in aid .. | 19,238 | 280 |

CHAPTER 13.

A.D. 1924.

An Act to establish a special Capital Fund and to charge sums upon the Consolidated Fund of Northern Ireland for the provision or improvement of buildings for certain public purposes; to extend the powers of the Ministry of Finance with respect to the investment of moneys and the making of loans; and for other purposes connected therewith. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Ministry of Finance for Northern Ireland (in this Act referred to as "the Ministry of Finance") shall place to the credit of a fund to be held by that Ministry and called "the Capital Fund No. 2" the capital sum of money specified in the Schedule to this Act, and the Capital Fund No. 2 shall, subject to the provisions of this Act, be held and applied for such of the following purposes as the Ministry of Finance may determine, that is to say:—

Establishment of special fund for certain capital moneys.

(a) The acquisition of land and the erection and equipment of buildings in connection with the provision of—

- (i) institutions for agricultural instruction or research (including the agricultural science laboratory hereinafter in this subsection referred to);
- (ii) a college for the training of school teachers and hostels in connection therewith;
- (iii) a Royal Ulster Constabulary depot for the purposes of the instruction and training of members and officers of the force, and the storing of arms, equipment and clothing;
- (iv) a convict prison, a Borstal institution and a criminal lunatic asylum;

A.D. 1924:

- (b) The work of repairing and rendering sufficient any prison premises assigned to the Government of Northern Ireland, to such extent as the Ministry of Finance, after consultation with the Ministry of Home Affairs for Northern Ireland, may decide such work to be properly chargeable against the Capital Fund No. 2;
- (c) The making of a grant of a sum not exceeding thirty-one thousand pounds to the governing body of Queen's University, Belfast, to assist that body in erecting and equipping an agricultural science laboratory.

(2) All sums required for any of the purposes to which the Capital Fund No. 2 is applicable under this Act shall be voted and appropriated to such purpose by Act of Parliament, and such expenditure of the vote as may be certified from time to time by the department charged therewith, and approved by the Ministry of Finance, shall be paid out of the said Fund as an appropriation in aid of the vote at such periods as may be prescribed.

(3) If the Ministry of Finance certify that any expenditure which, before the passing of this Act, has been defrayed out of moneys provided by Parliament was incurred for any purpose to which the Capital Fund No. 2 is applicable, then such sum as may be named in such certificate shall be paid out of that Fund—

- (a) into the Exchequer of Northern Ireland, if the expenditure was met out of moneys provided by Parliament for the service of the financial year ended on the thirty-first day of March, nineteen hundred and twenty-three; and
- (b) as an appropriation in aid of the vote on which the expenditure was borne, if that expenditure was met out of moneys provided by Parliament for the service of the financial year ended on the thirty-first day of March, nineteen hundred and twenty-four:

Provided that no such payments shall be made on any date later than the thirtieth day of September, nineteen hundred and twenty-four.

A.D. 1924

(4) If the Capital Fund No. 2 shall at any time be insufficient for the purposes to which it is applicable under this Act, the Ministry of Finance may, if it thinks fit, borrow, for the purpose of meeting such insufficiency, any sum by means of terminable annuities or other securities, in such manner and for such period or periods not exceeding twenty-five years from the date of borrowing as may be prescribed, and all sums so borrowed shall be paid into the Capital Fund No. 2:

Provided that the total sum which may be borrowed under this sub-section shall not exceed seventy-five thousand pounds.

2. There shall be charged on and paid out of the Consolidated Fund of Northern Ireland or the growing produce thereof such sums, not exceeding in the whole a sum of three hundred and seventy-five thousand pounds, as the Ministry of Finance may determine to be necessary for the following purposes:—

Provisions
as to capital
expenditure
on police
barracks,
&c.

- (a) The acquisition of land and buildings for the use or accommodation of the Royal Ulster Constabulary force, the erection and equipment of new constabulary barracks or stations, and the improvement and enlargement of any existing building for the purposes hereinbefore mentioned in this paragraph; and
- (b) The making of structural alterations to premises held for the use or accommodation of the said force immediately before the passing of this Act, where the works are certified by the Ministry of Finance to be of the nature of substantial reconstruction;

and for the purpose of providing money to defray such charges, or for repaying to the said Consolidated Fund any moneys issued in respect of such charges, the Ministry of Finance may, if it thinks fit, borrow any sum by means of terminable annuities or other securities in such manner and for such period or periods not exceeding twenty-five years from the date of borrowing as may be prescribed, and all sums so borrowed shall be paid into the Exchequer of Northern Ireland.

A.D. 1924.

Raising of money for Capital Fund No. 2 and Consolidated Fund, temporary application of moneys, and accounts.

3.—(1) The Capital Fund established under the Exchequer and Financial Provisions Act (Northern Ireland), 1923 (in this Act referred to as "the Act of 1923") shall be made available for the purpose of any borrowings by the Ministry of Finance under the foregoing provisions of this Act, whether for the purpose of meeting any insufficiency in the Capital Fund No. 2, or for the purpose of providing money to defray charges on, or repaying moneys to, the Consolidated Fund of Northern Ireland.

(2) Any annuities created for the purpose of such borrowing by the Ministry of Finance shall be paid out of moneys provided by Parliament, and if those moneys are insufficient shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

(3) The principal of and interest on any securities issued for the purpose of such borrowing shall be a charge on and payable out of the said Consolidated Fund or the growing produce thereof.

(4) When any sums forming part of the Capital Fund No. 2, or raised for the purpose of providing money to defray charges on, or repaying moneys to, the said Consolidated Fund, are not for the time being required for the purposes to which the Capital Fund No. 2 is applicable, or for which such sums were raised (as the case may require) the Ministry of Finance may, pending such requirements—

- (a) invest any such sums temporarily and pay the income arising from any such investments into the Exchequer of Northern Ireland; or
- (b) make such sums available for any purpose mentioned in paragraph (a) of sub-section (4) of section four of the Act of 1923.

(5) The Ministry of Finance shall keep in the prescribed form accounts with respect to all moneys placed to the credit of or paid out of the Capital Fund No. 2, and with respect to every issue, investment or other disposition of money under this Act in connection with the Capital Fund No. 2 or the said Consolidated Fund, and the accounts of the Capital Fund No. 2 and all such other

accounts shall be submitted to the Comptroller and Auditor-General in the prescribed form and audited by him, and the provisions of sub-section (3) of section six of the Act of 1923 shall apply accordingly.

A.D. 1924.

4. If any land or building, whether used immediately before the passing of this Act, or acquired or erected after the passing of this Act, for or in connection with any of the purposes mentioned in the foregoing provisions of this Act, is sold or otherwise disposed of as being no longer required for such purpose, the moneys arising from such sale or disposition shall, notwithstanding anything in any enactment, be applied, to such extent as the Ministry of Finance may direct having regard to the purpose for which the land or building was used before such sale or disposition, to paying off any sums borrowed to meet insufficiencies in the Capital Fund No. 2, or to the reduction of any sums charged upon the said Consolidated Fund under this Act, or to paying off, in such manner as may be prescribed, any annuities or securities created under this Act:

Proceeds of sale and disposition of land.

Provided that such moneys, if not required for application as aforesaid, shall be paid into the Exchequer of Northern Ireland or into the Capital Fund No. 2, according as the Ministry of Finance may direct.

5.—(1) Section one of the Exchequer Borrowing and Local Loans Act (Northern Ireland), 1922, shall have effect, and shall be deemed always to have had effect, so as to empower the Ministry of Finance to lend money raised in accordance with that Act to any council, town commissioners and guardians referred to in paragraph (a) of sub-section (1) of that section and to any other commissioners or public body constituted in Northern Ireland by Act of Parliament, for any purpose for which such council, guardians, town or other commissioners or public body have power to borrow under any enactment, whether general or local.

Amendment of existing financial provisions.

(2) Section two of the Act of 1923, as amended by sub-section (1) of section ten of the Finance Act (Northern Ireland), 1923, shall have effect as if the words "to the Ministry of Finance" were omitted from sub-section (1) D.

44 [Ch. 13.] *Exchequer and Financial Provisions Act (Northern Ireland), 1924.* [14 & 15 GEO. 5.]

A.D. 1924: of the first-mentioned section, and as if the words "by the Ministry of Finance within six months after the date of issue" were omitted from sub-section (2) thereof.

(3) For the purposes of sub-section (1) of section six of the Act of 1923, any sums repaid from time to time in respect of advances made out of moneys provided by Parliament for any purpose referred to in the proviso to that sub-section shall be deemed to be repayments in respect of capital advances, and shall be shown as capital receipts both in the accounts to be kept under that sub-section and in the annual account of the public income and expenditure of Northern Ireland to be prepared under section one of the Act of 1923.

Short title.

6. This Act may be cited as the Exchequer and Financial Provisions Act (Northern Ireland), 1924, and shall be construed as one with the Exchequer and Financial Provisions Act (Northern Ireland), 1923, and that Act and this Act may be cited together as the Exchequer and Financial Provisions Acts (Northern Ireland), 1923 and 1924.

Section 1 (1).

SCHEDULE.

The sum of Four hundred thousand pounds granted on the recommendation of the Northern Ireland Special Arbitration Committee in final satisfaction of certain claims under the Government of Ireland Act, 1920, made by the Government of Northern Ireland and described in paragraph 9 of the first Report of the said Committee (presented to the Parliament of the United Kingdom by command of His Majesty) as follows:—

"All claims under Section 34 (1) of the Act, other than claims already recognised by the Joint Exchequer Board, and under Section 69 (f) of the Act, other than claims covered by the provisions of the Government of Ireland (Transfer and Apportionment of Property) Order, 1922."

[14 & 15 GEO. 5.] *Unemployment Insurance (Temporary Provisions) Act (Northern Ireland), 1924.* [Ch. 14.] 45

CHAPTER 14.

A.D. 1924

An Act to empower the Governor of Northern Ireland to make temporary provision by Order in Council for the amendment of the Unemployment Insurance Acts (Northern Ireland), 1920 to 1924. [29th May, 1924.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In the event of any Acts being hereafter passed in the present session of the Parliament of the United Kingdom to amend the Unemployment Insurance Acts, 1920 to 1924, there shall apply to Northern Ireland so much as the Governor of Northern Ireland by Order in Council declares applicable of the enactments contained in any such Act, being enactments making provision for or with respect to—

Application to Northern Ireland of Acts passed by United Kingdom Parliament.

- (a) the periods during which insured persons are to be entitled to receive unemployment benefit;
- (b) the rates of unemployment benefit and the amount of the contributions in respect thereof to be paid by the employed person and his employer and to be made out of moneys provided by Parliament;
- (c) the amendment of the law as to the statutory conditions and disqualifications for the receipt of unemployment benefit;
- (d) the age at which persons engaged in insurable occupations are required to be insured;
- (e) the repeal of any enactments relating to special schemes;
- (f) the amendment of the law relating to the repayment of sums to insured contributors out of the unemployment fund; and
- (g) the making of grants out of the unemployment fund towards the cost of approved courses of instruction for insured contributors.

[Ch. 21.] *Industrial Assurance (Juvenile Societies) Act (Northern Ireland), 1926.* [16 & 17 GEO. 5.]

A.D. 1926.

CHAPTER 21.

An Act to amend section eleven of the Industrial Assurance Act (Northern Ireland), 1924, with respect to the exemption from that Act of juvenile societies: [30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1. For section eleven of the Industrial Assurance Act (Northern Ireland), 1924, the following section shall be substituted:—

“11.—(1) This Act shall not apply to a juvenile society within the meaning of this section notwithstanding that premiums of the juvenile members of the society are received by means of collectors, if and so long as no premiums of any members of the society who are not juvenile members are so received.

“(2) For the purposes of this section the expression ‘juvenile society’ means a friendly society or branch, registered in Great Britain or Northern Ireland, which consists wholly or in part of juvenile members, and

which is shown to the satisfaction of the Commissioner to be connected with, or is a branch of, a friendly society so registered before the first day of July, nineteen hundred and twenty-six; and the expression ‘juvenile member’ means a member under the age of eighteen years.”

2. This Act may be cited as the Industrial Assurance (Juvenile Societies) Act (Northern Ireland), 1926, and shall be construed as one with the Industrial Assurance Act (Northern Ireland), 1924, and that Act and this Act may be cited together as the Industrial Assurance Acts (Northern Ireland), 1924 and 1926.

Short title, construction and citation.

Exemption of certain juvenile societies. 14 & 15 Geo. 5. c. 21.

[16 & 17 GEO. 5.] *Malone Training School Act (Northern Ireland), 1926.* [Ch. 22.]

A.D. 1926.

CHAPTER 22.

An Act to confirm and give effect to an agreement relating to the transfer of the Malone Training School to the Ministry of Home Affairs for the purposes of a Reformatory School and a Borstal Institution, and for purposes connected therewith: [30th November, 1926.]

WHEREAS by an agreement dated the seventeenth day of May, nineteen hundred and twenty-six, and made between William Augustus Ferrar, sole surviving trustee for and on behalf of the Society called the Malone Protestant Reformatory (in this Act referred to as “the trustee”) of the first part, John A. Rankin, Joshua Pin, John Bristow, Francis Noel Cooke, John Green, De Vere Crossley, the Reverend S. R. McGarvey, the Reverend J. G. Paton, William Bruce Rainey Joy, Colonel James Morwood, James G. Marks, and John Maynard Sinclair, being the Committee of Management of the said Society (in this Act referred to as “the committee of management”) of the second part, and the Ministry of Home Affairs for Northern Ireland (in this Act referred to as “the Ministry of Home Affairs”) of the third part, which agreement is set out in the Schedule to this Act, and is in this Act referred to as “the agreement,” it was agreed that, subject to the obtaining of the authority of the Ministry of Finance, so far as such authority is required under the enactments in force in Northern Ireland with respect to charitable donations and bequests, and to the passing of an Act of the Parliament of Northern Ireland for giving effect to the agreement, and to the other conditions mentioned therein, the Ministry of Home Affairs should take over from the trustee and the committee of management the premises described in the agreement, being the premises of the Reformatory School called the Malone Training School, and should use the said premises for the purposes of a Reformatory School and a Borstal Institution for Northern Ireland:

And whereas the authority of the Ministry of Finance, so far as required under the enactments aforesaid, has been obtained:

And whereas the provisions of the agreement cannot take effect without the authority of Parliament:

A.D. 1926.

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation
of agreement
and conse-
quential
provisions.

1.—(1) The agreement is hereby confirmed and shall have effect as if enacted in this Act.

(2) As from the passing of this Act—

(a) the premises described in the first and third schedules to the agreement shall be transferred from the trustee to the Ministry of Home Affairs, and shall, without the necessity of any assignment or other instrument, vest in and be held by that Ministry for the same estate, interest, and purposes, and subject to the same covenants and conditions, for and subject to which the said premises were held by the trustee immediately before the passing of this Act, except so far as those covenants, conditions and purposes are modified by this Act;

(b) the Reformatory School which was, before the passing of this Act, carried on by the committee of management in the said premises (in this Act referred to as "the Reformatory School") shall continue to be a certified reformatory school for male youthful offenders for the purposes of Part IV. of the Children Act, 1908, and shall be carried on by the Ministry of Home Affairs as the managers thereof, and the said Ministry shall have power to manage and maintain the Reformatory School, to appoint officers for, and make rules for the management and discipline of, the said School, and to do all such things as may be necessary for the exercise of the powers and duties of the said Ministry under this Act in relation to the said School;

(c) a Borstal Institution for Northern Ireland (in this Act referred to as "the Borstal Institution") shall be deemed to have been established in the said premises for male young offenders under and for the purposes of Part I. of the Prevention of Crime Act, 1908.

8 Edw. 7,
c. 67.

8 Edw. 7,
c. 69.

A.D. 1926.

(3) The enactments hereinafter in this sub-section mentioned shall, in their application to the Reformatory School and the Borstal Institution, be subject to the following modifications respectively:—

(a) Notwithstanding anything contained in sub-section (3) of section sixty-six or sub-section (18) of section one hundred and thirty-three of the Children Act, 1908, any youthful offender may be ordered to be sent or transferred to, and be detained in, the Reformatory School;

(b) Sections forty-five to fifty-two, inclusive, and fifty-four to fifty-six, inclusive, section seventy-three (so far as it relates to the expenses of youthful offenders detained in a certified reformatory school) and sub-section (1) of section seventy-four of the Children Act, 1908, shall not apply;

(c) The Ministry of Home Affairs may, if it thinks fit, decline to receive in the Reformatory School any youthful offender proposed to be sent to that Ministry for detention in the said School;

(d) In Part I. of the Prevention of Crime Act, 1908, the Minister of Home Affairs shall be substituted for the Governor of Northern Ireland, except in the provisions which relate to the approval of regulations by the said Governor and Privy Council;

(e) The provisions of the Superannuation (Prison Officers) Act, 1919, shall apply to any officer employed both in the Reformatory School and in the Borstal Institution and being an officer of such class as may be prescribed under that Act.

9 & 10 Geo. 5
c. 67.

2.—(1) The officer who was immediately before the passing of this Act employed by the committee of management as manager of the Reformatory School shall, if he so desires, be employed by the Ministry of Home Affairs, on such terms and conditions as may be agreed upon, in the Reformatory School and the Borstal Institution.

Existing and
pensioned
officers of
Reformatory
School.

A.D. 1920,

(2) The Superannuation Acts (Northern Ireland) 1921 to 1925, shall apply to any person who was immediately before the passing of this Act serving under the committee of management as a whole-time officer of the Reformatory School, and who is taken by the Ministry of Home Affairs into permanent employment as a whole-time officer under this Act; and, for the purposes of the said Superannuation Acts, every officer so taken into such employment shall be deemed to be a civil servant who was admitted into the permanent civil service of Northern Ireland on the date of his appointment by the committee of management as a whole-time officer of the Reformatory School, and to whom the Superannuation Act, 1909, applies. Where any officer is so taken into permanent employment both in the Borstal Institution and in the Reformatory School, the provisions of the Superannuation (Prison Officers) Act, 1919, shall apply to him, if he is an officer of such class as may be prescribed under that Act.

9 Edw. 7,
c. 10.

(3) The Ministry of Home Affairs may, so far as the investments and funds specified in the fourth schedule to the agreement are sufficient for that purpose, pay to the officer mentioned in sub-section (1) of this section (whether he is employed by that Ministry or not) and to any officer of the Reformatory School who is not taken into permanent employment by that Ministry under this Act, such sums, by way of special bounties, as may be reasonable and authorised by the Ministry of Finance in respect of past services or as compensation for loss of office.

(4) Every person who was on the seventeenth day of May, nineteen hundred and twenty-six, and is at the passing of this Act, in receipt of a pension in respect of past employment by the committee of management at the Reformatory School, shall, during his lifetime, continue to receive such pension, and every such pension shall as from the passing of this Act be paid out of moneys provided by Parliament.

(5) If any question arises as to any claim or right of an officer, pensioner or other person under this section, that question shall be determined by the Ministry of Finance and such determination shall be final and conclusive.

A.D. 1926.
Financial
provisions.

3.—(1) There shall be paid out of moneys provided by Parliament all such expenses as may be incurred with the sanction of the Ministry of Finance in connection with the management and maintenance of the Reformatory School and the Borstal Institution, and in connection with the maintenance of offenders in the said School and Institution.

(2) The liabilities of the trustee and the committee of management in connection with the Reformatory School outstanding on the date of the passing of this Act, and any special bounties payable under the provisions of this Act, shall be charged upon the investments and funds specified in the fourth schedule to the agreement, and the balance of the said investments and funds (if any) remaining after all such charges have been satisfied, shall be paid into, and form part of, the Capital Fund established under section four of the Exchequer and Financial Provisions Act (Northern Ireland), 1923.

13 Geo. 5, c. 4

(3) Where a youthful offender is ordered to be sent to the Reformatory School, the council of the county or county borough in which he resides (to be specified in the order) shall pay towards the expenses of such youthful offender, whilst detained in the Reformatory School, a contribution at such rate, and payable at such times, as may be determined by regulations made by the Ministry of Home Affairs with the approval of the Ministry of Finance; and the amount of any such contribution shall be defrayed by the council as expenses incurred by them under Part IV. of the Children Act, 1908, and shall, for the purposes of sub-section (3) of section ten of the Local Government Act (Northern Ireland), 1923, be a sum due from the council to the Ministry of Home Affairs, and be deductible from any grants which may be payable to the council under that section.

13 & 14 Geo.
5, c. 31.

4.—(1) This Act may be cited as the *Malone Training School Act* (Northern Ireland), 1926.

Short title
and con-
struction.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

A.D. 1926.

SCHEDULE.

MEMORANDUM OF AGREEMENT made the Seventeenth day of May One Thousand Nine Hundred and Twenty-six between William Augustus Ferrar of Cloona, Dunmurry, in the County of Antrim, sole surviving Trustee for and on behalf of the Society called the Malone Protestant Reformatory (hereinafter called "the Trustee") of the first part, John A. Rankin of Meadowlands, Stoekman's Lane, Belfast, Joshua Pim of No. 12 Adelaide Park, Belfast, John Bristow of No. 10 College Square North, Belfast, Francis Noel Cooke of Croft House, Holywood, in the County of Down, John Green, C.A., of 23 Myrtlefield Park, Belfast, De Vere Crossley of No. 20 Bedford Street, Belfast, the Revd. S. R. MoGarvey of No. 23 Eglantine Gardens, Belfast, Reverend J. G. Paton, M.A., B.D., M.C., Jesmond, Bawnmore Road, Belfast, William Bruce Rainey Joy of No. 80 Bawnmore Road, Belfast, Colonel James Morwood of No. 4 Malone Park, Belfast, James G. Marks of No. 5 Deramore Drive, Belfast and John Maynard Sinclair of 38 Windsor Park, Belfast, being the Committee of Management of the said Society (hereinafter called "the Committee of Management") of the second part and the Ministry for Home Affairs for Northern Ireland (hereinafter called "the Ministry") of the third part WHEREAS by Indenture of Lease dated the twenty-fourth day of January one thousand eight hundred and sixty made between the Reverend Richard Binney, Clerk, and Mary Isabella Wilson, Spinster, as Exeoutor and Exequitrix of the will of Alexander George Wilson deceased of the one part and Samuel Gibson Getty Frederick Kinahan William Samuel Tracy Jasper Macaulay and Charles Wolfe Shaw all expressed to be members of the Belfast Society for Reformation of Juvenile Offenders (subsequently called "the Malone Protestant Reformatory") as Trustees for and on behalf of the said Society of the other part the premises described in the first schedule hereto were demised to the said Trustees for a term of five hundred years thence ensuing subject to the yearly rent of One Hundred and Forty Pounds and Sixpence and subject to an additional yearly rent of Two Pounds per statute acre for every acre or part thereof which might thereafter be let or sublet for building purposes and subject also to the covenants on the part of the lessees and conditions therein contained AND WHEREAS by an Indenture by way of Appointment of New Trustees dated the twenty-ninth of September one thousand eight hundred and eighty-seven and made between the said Frederick Kinahan of the first part, Jasper Macaulay of the second part and Lavens M. Ewart William Henry Holmes Lyons Robert Wallace Murray and James Ripplingham Bristow of the third part, and the said Frederick Kinahan Lavens M. Ewart William Henry Holmes Lyons Robert Wallace Murray and James Ripplingham Bristow of the fourth part reciting that the lands comprised in the said Indenture of Lease had been acquired by the Society for erecting thereon buildings to be used for the purposes of the said Society and that the said Society had under the provisions of the Statute 21 and 22 Victoria Cap. 103 obtained a Certificate constituting the Institution a Reformatory School, the premises comprised in the said Indenture of Lease were thereby vested in the said parties of the fourth part as Trustees in Trust for the Society and the objects and purposes thereof and subject to the control of the members of the said Society for the time being entitled to vote under

A.D. 1926.

the Rules, Constitution or usage thereof for the time being in force assembled in general meeting duly summoned or the majority of those present and also subject to the control of the President, Vice Presidents and Committee for the time being assembled in meeting duly summoned or a majority thereof at any such meeting AND WHEREAS by divers mesne assurances and acts in law and ultimately by an Indenture dated the thirty-first day of May one thousand nine hundred and five and made between the said William Henry Holmes Lyons and James Ripplingham Bristow of the one part and Edward Coey Frederiok Hunter Shaw and William Augustus Ferrar of the other part the premises comprised in the said Indenture of Lease became vested in the parties to the said Indenture of the first and second parts as Trustees for the Malone Protestant Reformatory (formerly known as the Belfast Society for the Reformation of Juvenile Offenders) AND WHEREAS by an Indenture dated the first day of January one thousand nine hundred and thirteen and made between the said Trustees of the one part and the Great Northern Railway Company (Ireland) of the other part it was witnessed that the said Company under the powers conferred on them by the Great Northern Railway (Ireland) Act 1911 and the Acts incorporated therewith did thereby and with the sanction of the Commissioners of Charitable Donations and Bequests acquire the premises more particularly described in the second schedule hereto being a part of the premises comprised in the said recited Indenture of Lease for the remainder of the term thereof subject to the sum of six pounds six shillings and ninepence apportioned part of the said rent upon payment of compensation amounting to the sum of six hundred and six pounds eleven shillings and threepence and subject also to the payment of a further sum of eight hundred and seventy-five pounds in the event of certain level crossings being closed by the Company and a footbridge and new road constructed AND WHEREAS by Indenture dated the fifth day of March one thousand nine hundred and fourteen and made between the said Trustees and the Great Northern Railway Company (Ireland) supplemental to the last recited Indenture it was witnessed that in consideration of the sum of eight hundred and seventy-five pounds compensation paid to the Vendors the said level crossing had been released on condition of the covenants by the Railway Company therein for providing a footbridge and constructing a new street in substitution for the said level crossing AND WHEREAS the residue of the premises comprised in the said Indenture of Lease and not acquired by the Railway Company as aforesaid is now vested in the said parties hereto of the first part as such Trustees as aforesaid for the term of the said lease subject to the yearly rent of one hundred and thirty-three pounds thirteen shillings and eightpence AND WHEREAS by an Indenture made the first day of June one thousand nine hundred and sixteen between Henry Robert Gordon Robert Gordon John Johnston Berry and William Gordon Crawford (therein called "the lessors") of the one part and the said James Ripplingham Bristow Edward Coey William Augustus Ferrar William Henry Holmes Lyons and Frederiok Hunter Shaw (therein called "the lessees") of the other part it was witnessed that in consideration of the sum of two hundred and twenty pounds paid by the lessors to the lessees by way of purchase of the tenancy or estate therein of the lessees and in consideration of the yearly rent of thirty-two pounds two shillings thereby reserved

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the lessors demised to the lessees the premises more particularly described in the third schedule for the term of ninety-nine years from the first day of May one thousand nine hundred and sixteen power being reserved to the lessors on notice to resume any part or parts of the said premises for building purposes and powers to the lessees to surrender AND WHEREAS the parties hereto of the first and second parts are also possessed of furniture fittings machinery farm stock and other stock chattels and effects used by them in connection with the said Reformatory and in addition hold the investments mentioned in the fourth schedule hereto AND WHEREAS for many years past owing to the greatly diminished number of boys for treatment in the institution it has become economically impossible to carry on the said Reformatory School in pursuance of the Trusts in that behalf and an increasing balance of indebtedness has been accumulating from year to year as against the institution so that the Trustees and Committee of Management of the Society felt compelled to give notice to the Ministry of their intention to surrender the Certificate but at the request of the Ministry have postponed such surrender so as to afford time to the Ministry to consider what alternative scheme if any might be adopted for utilizing the premises for the purposes aforesaid or such further or other purposes as might be carried on in conjunction therewith AND WHEREAS the debit balance against the institution on the fourteenth day of April one thousand nine hundred and twenty-six was the sum of one hundred and seventy pounds five shillings and the Trustees and Committee of Management have requested the Ministry to take over the premises comprised in the said Indentures together with the investments specified in the fourth schedule hereto and all furniture fittings machinery farm stock and other stock chattels and effects belonging to the said Society or held in connection therewith as a going concern upon the terms of the Ministry paying and discharging all liabilities that may be found owing as against the institution at the date of taking over and releasing the Trustees of the Society from the terms thereof AND WHEREAS it is considered by the Ministry that in view of the circumstances that have arisen resulting in a greatly diminished number of boys to be provided for in a Protestant Reformatory in Northern Ireland it is no longer economically possible to carry on such an institution for that purpose alone and that the said premises are amply sufficient in extent to be used for the additional purpose of establishing therein a Borstal Institution for Northern Ireland in addition to the Reformatory School IT IS THEREFORE HEREBY WITNESSED that subject to the approval of the Ministry of Finance as Commissioners of Charitable Donations and Bequests for Northern Ireland and subject to legislative sanction being granted by the Parliament of Northern Ireland the said Ministry agrees to accept the proposal of the Society and the Trustees and Committee of Management thereof to take over as a going concern the premises demised by the said Indentures of Lease and the said investments chattels and effects of the Society and to discharge all outstanding liabilities as aforesaid and to provide for the premises being hereafter continued with such sanction as aforesaid for the dual purpose of a Reformatory School and Borstal Institution for Northern Ireland In the case of the present Manager of the Malone Reformatory and of any other wholtime official whose services may be retained by the Ministry the period of wholtime service of such official with the

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Malone Reformatory shall for pension superannuation or other benefits be reckoned as service with the Ministry And the Ministry further undertakes after consultation with the parties of the first and second parts to apply to the Ministry of Finance in their capacity of Commissioners as aforesaid for authority to pay out of the investments specified in the fourth schedule hereto to Mr. James Watson the present Manager of the Reformatory who is to be taken over by the Ministry and to such of the present officials of the Reformatory as may not be taken over by the Ministry of Home Affairs in pursuance of this agreement such sums by way of special bounties as may be reasonable and authorized by the Ministry of Finance in respect of past services or by way of compensation for loss of office.

FIRST SCHEDULE HEREINBEFORE REFERRED TO.

"All that piece or parcel of ground in Lower Malone aforesaid now or lately in the possession and occupation of the said Richard Binney and Mary Isabella Wilson or their undertenants containing by a survey lately made thereof by Charles Lanyon, Esq., C.E., 23 acres 1 rood and 14 perches statute measure or thereabouts be the same more or less in which measurement is included the ground required for the construction of a new intended road 30 feet wide to be constructed from the Post Road leading from Belfast to Lisburn to the portion of said premises hereby demised which lies to the North of the Ulster Railway bounded on the North by the Blaekstaff River on the south by the said Post Road and by the Ulster Railway on the east partly by ground in the possession of William Coates, Esq., or his undertenants and partly by ground in the possession of the lessors and on the west by ground in the possession of Robert Thomson, Esq., of Castle-town or his undertenants All which said piece or parcel of ground is situate lying and being within the Parish of Belfast Barony of Belfast and County of Antrim and is more particularly described in the map or plan thereof endorsed on these presents together with all and singular the rights members and appurtenances thereunto belonging or in anywise appertaining and also all houses erections buildings and improvements which now are or at any time hereafter during the continuance of this demise shall be erected built or made upon or in the said piece or parcel of ground and premises hereby demised or any part thereof Excepting and always reserving hereout all such matters and things as are excepted and reserved in and by the said recited conveyance of the 11th day of March 1857 from the Commissioners for Sale of Incumbered Estates in Ireland to the said Richard Binney and Mary Isabella Wilson And also reserving thereout to the said Richard Binney and Mary Isabella Wilson and their heirs and assigns full power and liberty to make construct and fully complete the said road so marked out as aforesaid and use the same by themselves and their lessees or tenants with horses carriages and otherwise howsoever as may be found fitting or convenient."

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SECOND SCHEDULE HEREINBEFORE REFERRED TO.

"All those parcels of land and hereditaments in the townland of Malone Lower in the Parish of Shankill and City and County of Belfast and particularized in the first second and third columns of the first schedule hereto and delineated and coloured red on the plan or annexed to these presents the numbers in the first column of the said schedule and on the said plan referring to the corresponding numbers on the Deposited Parliamentary Plans and Books of Reference thereto of the Company relating to lands in the said townland."

DESCRIBED IN THE FIRST SCHEDULE REFERRED TO ABOVE AS :—

| "No. on Plan. | Townland and Areas. | Description of property purchased. |
|---------------------------------|--------------------------|---|
| 22 (Part of 23 and Part of 24). | Malone Lower I. 0. 9. | Porter's Lodge, Sheds and Tool House, Garden Gables, Manure Pit and Field." |

THIRD SCHEDULE HEREINBEFORE REFERRED TO.

"All that part of the lands of Lower Malone containing 13a 2r 30p. statute measure or thereabouts situate in the Parish of Shankill otherwise Belfast and City and County Borough of Belfast which said lands are more particularly delineated in the said map or plan endorsed on these presents and are thereon surrounded by a red line Excepting out of this demise all mines minerals quarries and all royalties whatsoever and also all such matters and things as are excepted and reserved in and by the Grant whereby the said premises are held with others by the Lessors."

FOURTH SCHEDULE HEREINBEFORE REFERRED TO

| | | |
|-------|--------|--|
| £400. | | 5% War Stock 1929-47. |
| £70 | 12 10. | 5% War Stock 1929-47. |
| £508. | 8 11. | Uninvested funds. |
| £385 | 0 0. | Great Northern Railway 4% Consolidated Preference Stock. |

A.D. 1926

IN WITNESS WHEREOF the parties hereto of the first and second parts have hereunto set their hands and affixed their Seals and the Ministry of Home Affairs for Northern Ireland has caused its Corporate Seal to be affixed hereto the day and year first herein written.

| | |
|---|--|
| Signed by the said William Augustus Ferrar in presence of William Leslie, 2 Wellington Place, Belfast, Chartered Accountant. | (Signed) W. A. FERRAR. Seal. JOHN A. RANKIN. " JOSHUA PIM. " JOHN BRISTOW. " FRANK N. COOKE. " JOHN GREEN. " DE VERE CROSSLEY. " S. R. MCGARVEY. " J. G. PATON. " W. BRUCE R. JOY. " JAMES MORWOOD. " JAMES G. MARKS. " J. M. SINOLAIR. " |
| Signed by the said John Bristow in presence of Wm. Moore, Solicitor's Assistant, 10 College Square N., Belfast. | |
| Signed by the said John A. Rankin, Joshua Pim, Francis Noel Cooke, John Green, De Vere Crossley, S. R. McGarvey, J. G. Paton, William Bruce Rainey Joy, James Morwood, James G. Marks and John Maynard Sinolair in presence of William Leslie, 2 Wellington Place, Belfast, Chartered Accountant. | |

The Corporate Seal of the Ministry of Home Affairs for Northern Ireland affixed by Order of the Ministry in presence of



(Signed)
W. A. MAGILL,
Assistant Secretary.

CHAPTER 23.

An Act to prolong further the time for the operation of section one of the Housing Act (Northern Ireland), 1923, as amended by subsequent enactments.

[30th November, 1926.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

2

[Ch. 1, 2.] *Consolidated Fund Act [20 & 21 GEO. 5.]*
(Northern Ireland), 1930.

A.D. 1930. exceeding in the whole one million, two hundred thousand pounds.

40 & 41 Vict.,
c. 2.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and thirty-one, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund Act (Northern Ireland), 1930.

CHAPTER 2.

An Act to amend the provisions of the Grand Jury (Ireland) Act, 1836, with respect to the width of public roads. [30th April, 1930.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment
of 6 & 7
Will. 4,
c. 116, as to
widening of
roads and
width of
new roads

1. In section fifty of the Grand Jury (Ireland) Act, 1836 (as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899) the words "not more than fifty feet in the clear," and in section fifty-five of the said Act (as adapted by the said Order) the words "nor more than fifty feet in the clear," are hereby repealed as respects Northern Ireland.

Short title

2. This Act may be cited as the Public Roads Act (Northern Ireland), 1930.

[20 & 21 GEO. 5.] *Criminal Law and Prevention* [Ch. 3:]
of Crime (Amendment) Act
(Northern Ireland), 1930.

CHAPTER 3.

A.D. 193

An Act to amend the law with respect to offences against persons under the age of sixteen, and to enable corporal punishment to be inflicted in Borstal Institutions. [30th April, 1930.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1. The limit of time mentioned in the second proviso to section five of the Criminal Law Amendment Act, 1885, as amended by section two of the Criminal Law Amendment Act (Northern Ireland), 1923, shall be twelve months after the commission of the offence.

Period of
limitation
under 48
49 Vict.,
c. 69 and
13 & 14
Geo. 5, c.
(N.I.), s. 2
extended.

2. If the governor (or, in his absence, the chief officer) of a Borstal Institution for male young offenders within the meaning of Part I. of the Prevention of Crime Act, 1908, reports to the visiting committee of such Institution that an offender detained therein has been guilty of grave misconduct for which no appropriate punishment is provided by the enactments, regulations and rules which apply to the Institution, the visiting committee, or any two members thereof, shall inquire into the facts of the case, and, if they are of opinion that the case cannot be met except by the corporal punishment of the offender, may order the infliction upon the offender of such reasonable corporal punishment as they consider necessary to meet the case, subject, however, to such general regulations with respect to corporal punishment as may be made under this section.

Infliction
corporal
punishment
in Borstal
Institution:
3 Edw. 7
c. 59.

The Ministry of Home Affairs may make regulations for the purposes of this section, and the provisions of paragraph (b) of section eighteen of the Prevention of Crime Act, 1908, shall apply to any such regulations.

3.—(1) This Act may be cited as the Criminal Law and Prevention of Crime (Amendment) Act, 1930, and the Criminal Law Amendment Acts (Northern Ireland),

Short title
constructi
and com-
mencem

4 [Ch. 3, 4.] *Criminal Law and Prevention* [20 & 21 GEO. 5.]
of *Crime (Amendment) Act*
(Northern Ireland), 1930.

A.D. 1930. 1885 to 1923, and section one of this Act may be cited together as the Criminal Law Amendment Acts (Northern Ireland), 1885 to 1930.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) This Act shall come into operation on the first day of July, nineteen hundred and thirty.

CHAPTER 4.

An Act to amend the enactments relating to charges on the Consolidated Fund of Northern Ireland for the purposes of the Irish Sailors and Soldiers Land Trust, the guarantee by the Ministry of Finance of agricultural loans, the sale of tithe rentcharges whereof the proceeds are applicable under section three of the Exchequer and Financial Provisions Act (Northern Ireland), 1923, and the salary of the Comptroller and Auditor-General for Northern Ireland; and to authorise the making of an advance from the Government Loans Fund. [30th April, 1930.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1. Thirty-five thousand pounds shall be substituted for thirty thousand pounds as the maximum amount of the sums which may be charged on the Consolidated Fund and paid out of the same to the Irish Sailors and Soldiers Land Trust, under and subject to the provisions of section four of the Exchequer and Financial Provisions Act (Northern Ireland), 1927.

2. The Ministry of Finance may, under and subject to the provisions of section two of the Exchequer and Financial Provisions Act (Northern Ireland), 1929, guarantee loans made by joint stock banks to occupiers of agricultural holdings in rural districts to enable such

Issues from Consolidated Fund to Land Trust in aid of housing.

17&18 Geo. 5 c. 10.

Extension of power of Ministry of Finance under s. 2 of 19 Geo. 5, c. 3.

[20 & 21 GEO. 5.] *Exchequer and Financial Provisions Act* [Ch. 4.] 5
(Northern Ireland), 1930.

occupiers to purchase live stock and poultry; and notwithstanding anything in sub-section (5) of the said section a guarantee may be given or renewed in respect of a loan to which the said section, as extended by this section, applies, where application for the loan is made after the thirty-first day of December, nineteen hundred and twenty-nine.

A.D. 1930.

3. In a case where the Ministry of Finance has power to sell a rentcharge in lieu of tithes under section seven of the Irish Church Act (1869) Amendment Act, 1872, and to pay the proceeds of the sale into an account prescribed under sub-section (2) of section three of the Exchequer and Financial Provisions Act (Northern Ireland), 1923, the said Ministry may sell the same in consideration of such sum as will yield, when invested in such securities issued in respect of any loan raised by the Government of the United Kingdom or the Government of Northern Ireland as the Ministry of Finance may determine, an amount of interest approximately equal to the amount of the rentcharge.

Amendment of s. 7 of 35 & 36 Vict. c. 90.

13&14 Geo. 5 c. 4.

4.—(1) The annual salary to be paid to the Comptroller and Auditor-General under section twenty-eight of the Exchequer and Audit Act, 1921 (as amended by section five of the Exchequer and Financial Provisions Act (Northern Ireland), 1926) shall rise in each year after the first year of service by a sum of one hundred pounds until the rate of sixteen hundred pounds a year is reached, and thereafter shall be at the rate of sixteen hundred pounds a year; and the said sections shall have effect accordingly.

Salary of Comptroller and Auditor-General. 12 Geo. 5, c. 2. 16&17 Geo. 5 c. 27.

(2) In the case of the person holding office as Comptroller and Auditor-General at the passing of this Act, sub-section (1) of this section shall have effect as from the first day of October, nineteen hundred and twenty-nine.

5. There shall be issued to the Ministry of Finance by way of advance out of the Government Loans Fund, at such time or times as the said Ministry may determine, such sums as are equal to the amount which may be agreed upon by the said Ministry and the Incorporated

Advance out of Government Loans Fund in respect of contribution by Law Society.

The text of this legislation is as originally enacted

Criminal Appeal (Northern Ireland) Act 1930

1930(20 & 21 Geo. 5) CHAPTER 45.

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An Act to establish a Court of Criminal Appeal in Northern Ireland and to amend the law relating to appeals in criminal cases in Northern Ireland.

[1st August 1930]

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:—

Court of Criminal Appeal.

As originally enacted

1.— Constitution of Court of Criminal Appeal.

(1) There shall be a Court of Criminal Appeal in Northern Ireland (hereafter in this Act referred to as “the Court”), and all the judges of the Supreme Court of Judicature of Northern Ireland shall be judges of the Court.

(2) For the purpose of hearing and determining appeals under this Act, or any matter preliminary or incidental to an appeal, the Court shall be summoned in accordance with directions given by the Lord Chief Justice, and shall sit in Belfast except in cases where the Lord Chief Justice gives special directions that it shall sit at some other place.

(3) Subject to the provisions of the two subsections next following, the Court, for the purpose of hearing and determining appeals under this Act or any matter preliminary or incidental to an appeal, shall be duly constituted if it consists either of two or of three judges.

(4) Any matter preliminary or incidental to an appeal may be heard and determined by a single judge :

Provided that an appellant who is aggrieved by the decision of a single judge on any such matter shall be entitled to have the matter re-heard and determined by the Court as constituted in manner provided by the last foregoing subsection.

- (5) Where any appeal or matter before the Court is heard by two judges and those judges differ in opinion, it shall be re-heard by three judges, and where any appeal or matter before the Court is heard by three judges, it shall be determined according to the opinion of the majority of those judges.
- (6) The Lord Chief Justice, if present, and in his absence the senior member of the Court, shall be president of the Court.
- (7) Unless the Court direct to the contrary in cases where, in the opinion of the Court, the question is a question of law on which it would be convenient that separate judgments should be pronounced by the members of the Court, the judgment of the Court shall be pronounced by the president of the Court or such other member of the Court hearing the case as the president directs, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the Court.
- (8) The Court shall be a superior court of record, and shall, for the purposes of and subject to the provisions of this Act, have full power to determine, in accordance with this Act, any questions necessary to be determined for the purpose of doing justice in the case before the Court.
- (9) Rules of court shall provide for securing sittings of the Court, if necessary during vacation.
- (10) The registrar of the Supreme Court of Northern Ireland shall be the registrar of the Court (hereafter in this Act referred to as “the Registrar”), and the Lord Chief Justice may direct any other officer of, or attached to, the Supreme Court of Northern Ireland to render such assistance to the Registrar as the Lord Chief Justice may think necessary for the purposes of this Act and in the event of any vacancy in the office of the Registrar or in the event of the incapacity of the Registrar to act from any reason, the Lord Chief Justice may direct any other officer of the Supreme Court of Northern Ireland to exercise the powers and perform the duties of the Registrar under this Act.
- (11) Any direction which may be given by the Lord Chief Justice under this section may, in the event of any vacancy in that office or in the event of the incapacity of the Lord Chief Justice to act from any reason, be given by the senior judge of the Court.

Right of Appeal and Determination of Appeals.

As originally enacted

2. Right of appeal in criminal cases.

A person convicted on indictment may appeal under this Act to the Court—

- (1) against his conviction on any ground of appeal which involves a question of law alone; and
- (2) with the leave of the Court, or upon the certificate of the judge who tried him that it is a fit case for appeal, against his conviction on any ground of appeal which involves a question of fact alone or a question of mixed law and fact, or on any other ground which appears to the Court, or to the judge aforesaid, to be a sufficient ground of appeal; and
- (3) with the leave of the Court, against the sentence passed on his conviction, unless the sentence is one fixed by law:

Provided that a person sentenced to penal servitude and preventive detention in pursuance of the Prevention of Crime Act, 1908¹, may appeal against the sentence without the leave of the Court.

Notes

¹ 8 Edw. 7. c. 59.

As originally enacted

3.— Determination of appeals in ordinary cases.

(1) Subject to the provisions of this Act, the Court on any such appeal against conviction shall allow the appeal if they think that—

- (a) the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence; or
- (b) the judgment of the court before whom the appellant was convicted should be set aside on the ground of a wrong decision of any question of law; or
- (c) on any ground there was a miscarriage of justice;

and in any other case shall dismiss the appeal:

Provided that the Court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

(2) Subject to the provisions of this Act, the Court shall, if they allow an appeal against conviction, quash the conviction and direct a judgment and verdict of acquittal to be entered.

(3) On any appeal, whether against conviction or against sentence, the Court shall, if they think that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law (whether more or less severe) in substitution therefor as they think ought to have been passed.

As originally enacted

4.— Powers of Court in special cases.

(1) If it appears to the Court that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the Court may instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty on that other count or part of the indictment, and may either affirm the sentence passed on the appellant at the trial, or pass such sentence in substitution therefor as they may think proper, and as may be warranted in law by the verdict so substituted.

(2) Where an appellant has been convicted of an offence and the jury could on the indictment have found him guilty of some other offence, and on the finding of the jury it appears to the Court that the jury must have been satisfied of facts which proved him guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a

verdict of guilty of that other offence, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law by the verdict so substituted.

(3) Where on the conviction of the appellant the jury have found a special verdict, and the Court consider that a wrong conclusion has been arrived at by the court before which the appellant has been convicted on the effect of that verdict, the Court may, instead of allowing the appeal, order such conclusion to be recorded as may appear to the Court to be in law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law.

(4) If on any appeal it appears to the Court that, although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or omission made so as not to be responsible according to law for his actions, the Court may quash the sentence passed at the trial and order the appellant to be kept in custody as a criminal lunatic under the Trial of Lunatics Act, 1883¹, in the same manner as if a special verdict had been found by the jury under that Act.

Notes

¹ 46 & 47 Vict. c. 38.

As originally enacted

5.— Re-vesting and restitution of property on conviction.

(1) The operation of any order for the restitution of any property to any person made on a conviction on indictment, and the operation in case of any such conviction of the provisions of subsection (1) of section twenty-four of the Sale of Goods Act, 1893¹, as to the re-vesting of property in stolen goods on conviction, shall, unless the court before whom the conviction takes place direct to the contrary in any case in which, in their opinion, the title to the property is not in dispute, be suspended—

(a) in any case until the expiration of ten days after the date of the conviction; and

(b) in cases where notice of appeal or leave to appeal is given within ten days after the date of conviction, until the determination of the appeal;

and in cases where the operation of any such order, or the operation of the said provisions, is suspended until the determination of the appeal, the order or provisions, as the case may be, shall not take effect as to the property in question if the conviction is quashed on appeal.

Provision may be made by rules of court for securing the safe custody of any property pending the suspension of the operation of any such order or of the said provisions.

(2) The Court may by order annul or vary any order made on a trial for the restitution of any property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Notes

¹ 56 & 57 Vict. c. 71.

As originally enacted

6.— Decision of Court to be final subject to appeal to House of Lords.

(1) If in any case the prosecutor or defendant obtains the certificate of the Attorney-General that the decision of the Court involves a point of law of exceptional public importance, and that it is desirable in the public interest that a further appeal should be brought, he may appeal from that decision to the House of Lords, but subject thereto the determination by the Court of any appeal or other matter which they have power to determine shall be final and no appeal shall lie from the Court to any other court.

(2) An application to the Attorney-General under this section for a certificate authorising an appeal to the House of Lords shall be made within a period of seven days from the date when the decision of the Court was given.

Procedure,

As originally enacted

7.— Time for appealing.

(1) Where a person convicted desires to appeal under this Act to the Court, or to obtain the leave of the Court to appeal, he shall give notice of appeal or notice of his application for leave to appeal, in such manner as may be directed by rules of court, within ten days of the date of his conviction in the case of appeal or application for leave to appeal against conviction or within ten days of the date of his sentence in the case of appeal or application for leave to appeal against sentence:

Provided that, except in the case of a conviction involving sentence of death, the time within which notice of appeal or notice of an application for leave to appeal may be given, may be extended at any time by the Court.

(2) In the case of a conviction involving sentence of death or corporal punishment—

(a) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in cases where an application for leave to appeal is finally refused, of the application.

As originally enacted

8. Judge's notes and report to be furnished on appeal.

The judge or chairman of any court before whom a person is convicted shall, in the case of an appeal under this Act against the conviction or against the sentence, or in the case of an application for leave to appeal under this Act, furnish to the Registrar, in accordance with rules of court, his notes of the trial, and a report giving his opinion upon the case or upon any point arising in the case.

Ⓞ As originally enacted

9. Supplemental powers of Court.

For the purposes of this Act, the Court may, if they think it necessary or expedient in the interest of justice—

- (a) order the production of any document, exhibit, or other thing connected with the proceedings, the production of which appears to them necessary for the determination of the case; and
- (b) order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the Court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in manner provided by rules of court before any judge of the Court or before any other person appointed by the Court for the purpose, and allow the admission of any depositions so taken as evidence before the Court; and
- (c) receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness, and, if the appellant makes an application for the purpose, of the husband or wife of the appellant, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application; and
- (d) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the Court conveniently be conducted before the Court, order the reference of the question in manner provided by rules of court for inquiry and report to a special commissioner appointed by the Court, and act upon the report of any such commissioner so far as they think fit to adopt it; and
- (e) appoint any person with special expert knowledge to act as assessor to the Court in any case where it appears to the Court that such special knowledge is required for the proper determination of the case;

and may exercise in relation to the proceedings of the Court any other powers which may for the time being be exercised by the Court of Appeal in Northern Ireland on appeals in civil matters, and issue any warrants necessary for enforcing the orders or sentences of the Court:

Provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.

Ⓞ As originally enacted

10.— Presentation of appellant's case.

(1) Rules of court shall enable an appellant on an appeal under this Act to present his case and his argument in writing, instead of by oral argument, if he so desires, and any case or argument so presented shall be considered by the Court.

(2) The Court may at any time assign to an appellant a solicitor and counsel or counsel only in an appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears that it is desirable in the interests of justice that the appellant should have legal aid, and that he has not sufficient means to enable him to obtain that aid.

As originally enacted

11.— Right of appellant to be present.

(1) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, on the hearing of his appeal to the Court, except where the appeal is on some ground involving a question of law alone, but in that case, and on any proceedings preliminary or incidental to an appeal, shall not be entitled to be present, except where rules of court provide that he shall have the right to be present, or where the Court gives him leave to be present.

(2) The power of the Court to pass any sentence under this Act may be exercised notwithstanding that the appellant is for any reason not present.

As originally enacted

12.— Costs of appeal.

(1) On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto under this Act no costs shall be allowed on either side.

(2) The expenses of any solicitor or counsel assigned to an appellant under this Act, and the expenses of any witnesses attending on the order of the Court or examined in any proceedings incidental to the appeal, and of the appearance of an appellant on the hearing of his appeal or on any proceedings preliminary or incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court for the purpose, or any reference of a question to a special commissioner appointed by the Court, or of any person appointed as assessor to the Court, shall be defrayed, up to an amount allowed by the Court, in the same manner as the expenses of a prosecution in cases of felony.

As originally enacted

13.— Position of appellant pending determination of appeal.

(1) The Court may, if they think fit, on the application of an appellant, admit the appellant to bail pending the determination of the appeal.

(2) An appellant who is detained in custody shall, pending the determination of the appeal, be treated in such special manner as may be directed by prison rules.

(3) Where the Court has allowed an appeal against conviction and the prosecutor gives notice to the Court immediately after the decision of the Court has been given on the appeal that he intends to apply to the Attorney-General for a certificate authorising an appeal to the House of Lords, the Court may make an order providing for the detention of the defendant in custody, or directing that the defendant shall not be released except on bail, until either the Attorney-General has refused to grant the certificate or a decision on the appeal has been given by the House of Lords, as the case may be.

(4) The time during which an appellant, pending the determination of the appeal, is not detained in custody, and, subject to any directions which the Court may give to the contrary on any appeal,

the time during which the appellant, if detained in custody, is specially treated in accordance with prison rules under this section, shall not count as part of any term of imprisonment or penal servitude under his sentence, and, in the case of an appeal under this Act, any imprisonment or penal servitude under the sentence of the appellant, whether it is the sentence passed by the court of trial or the sentence passed by the Court, shall, subject to any directions which may be given by the Court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is detained in custody, as from the day on which the appeal is finally determined, and, if he is not detained in custody, as from the day on which he is received into prison under the sentence.

(5) Provision shall be made by prison rules for the manner in which an appellant, when detained in custody, is to be brought to any place at which he is entitled to be present for the purposes of this Act, or to any place to which the Court may order him to be taken for the purpose of any proceedings of the Court, and for the manner in which he is to be kept in custody while absent from prison for the purpose; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody.

(6) Prison rules for the purposes of this section shall be made by the Ministry, subject to the approval of the Governor and Privy Council of Northern Ireland, and section fifty-seven of the General Prisons (Ireland) Act, 1877¹, which provides conditions applicable to rules under that Act, shall apply to rules under this section.

Notes

¹ 40 & 41 Vict. c. 49.

As originally enacted

14.— Duties of registrar with respect to notices of appeal, &c.

(1) The Registrar shall take all necessary steps for obtaining a hearing under this Act of any appeals or applications to the Court, notice of which is given to him under this Act, and shall obtain and lay before the Court in proper form all documents, exhibits, and other things relating to the proceedings in the court before which the appellant was tried which appear necessary for the proper determination of the appeal or application.

(2) If it appears to the Registrar that any notice of an appeal against a conviction purporting to be on a ground of appeal which involves a question of law alone does not show any substantial ground of appeal, the Registrar may refer the appeal to the Court for summary determination, and, where the case is so referred, the Court may, if they consider that the appeal is frivolous or vexatious, and can be determined without adjourning the proceedings for a full hearing, dismiss the appeal summarily, without calling on any persons to attend the hearing or to appear for the Crown thereon.

(3) Any documents, exhibits, or other things connected with the proceedings on the trial of any person on indictment who, if convicted, is entitled or may be authorised to appeal under this Act, shall be kept in the custody of the court of trial in accordance with rules of court made for the purpose, for such time as may be provided by the rules, and subject to such power as may be given by the rules for the conditional release of any such documents, exhibits, or things from that custody.

(4) The Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under this Act to any person who demands them, and to officers of courts,

governors of prisons, and such other officers or persons as he thinks fit, and the governor of a prison shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Act, and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar.

(5) The Registrar shall report to the Court or some judge thereof any case in which it appears to him that, although no application has been made for the purpose, a solicitor and counsel or counsel only ought to be assigned to an appellant under the powers given to the Court by this Act.

Ⓞ As originally enacted

15.— Shorthand notes of trial.

(1) Shorthand notes shall be taken of the proceedings at the trial of any person on indictment who, if convicted, is entitled or may be authorised to appeal under this Act, and on any appeal or application for leave to appeal a transcript of the notes or any part thereof shall be made, if the Registrar so directs, and furnished to the Registrar for the use of the Court or any judge thereof, and also, upon the payment of such charges as the Treasury may fix, to any party interested.

(2) The Minister may also, if he thinks fit in any case, direct a transcript of the shorthand notes to be made and furnished to him for his use.

(3) The cost of taking any such shorthand notes and of any transcript furnished to the Registrar or the Minister shall be defrayed as part of the expenses of the Court (in accordance with scales of payment fixed for the time being by the Treasury) out of moneys provided by Parliament, and rules of court may make such provision as is necessary for securing the accuracy of the notes to be taken and for the verification of the transcript.

Ⓞ As originally enacted

16.— Rules of court.

(1) Rules of court for the purposes of this Act shall be made, and may be altered or annulled, in the same manner as rules of court made under section sixty-one of the Supreme Court of Judicature (Ireland) Act, 1877¹, as amended by any subsequent enactment or Order in Council, and, for the purposes of section sixty-nine of the said Act, shall be deemed to be rules of court required by the said Act to be laid before each House of Parliament:

Provided that no rule affecting the governor or any other officer of a prison or any officer having the custody of an appellant shall be made except after consultation with the Ministry.

(2) Rules of court made for the purposes of this Act may make provision with respect to any matter for which provision is to be made under this Act by rules of court, and may regulate generally the practice and procedure under this Act, and the officers of any court before whom an appellant has been convicted, and the governor or other officers of any prison or other officer having the custody of an appellant and any other officers or persons, shall comply with any requirements of those rules so far as they affect those officers or persons and compliance with those rules may be enforced by order of the Court.

Notes

¹ 40 & 41 Vict. c. 57.

Supplemental.

Ⓞ As originally enacted

17.— Prerogative of mercy.

(1) Nothing in this Act shall affect the prerogative of mercy, but the Minister on the consideration of any petition for the exercise of His Majesty's mercy, having reference to the conviction of a person on indictment or to the sentence (other than sentence of death) passed on a person so convicted, may, if he thinks fit, at any time and whether an appeal or an application for leave to appeal against the conviction or sentence has or has not previously been heard and determined by the Court, either—

- (a) refer the whole case to the Court, and the case shall then be heard and determined by the Court as in the case of an appeal by a person convicted; or
- (b) if he desires the assistance of the Court on any point arising in the case with a view to the determination of the petition, refer that point to the Court for their opinion thereon, and the Court shall consider the point so referred and furnish the Minister with their opinion thereon accordingly.

(2) Notwithstanding anything contained in section nineteen of this Act, the powers conferred on the Minister by this section may, at any time after the thirty-first day of March, nineteen hundred and thirty-one, be exercised in the case of a person sentenced on or before that date in like manner as if he had been sentenced after that date.

Ⓞ As originally enacted

18. Abolition of existing procedure in criminal appeals.

Writs of error, and the powers and practice now existing in the High Court in Northern Ireland in respect of motions for new trials or the grant thereof in criminal cases, are hereby abolished and the Crown Cases Act, 1848¹, shall cease to have effect and, except as provided by this Act, no appeal shall be from any judgment of the High Court in any criminal cause or matter.

Notes

¹ 11 & 12 Vict. c. 78.

As originally enacted

19.— Application.

(1) This Act shall, save as otherwise expressly provided, apply in the case of all persons tried and convicted on indictment, who are sentenced after the thirty-first day of March, nineteen hundred and thirty-one, but shall not affect the rights as respects appeal of any person sentenced on or before that date.

(2) This Act shall apply in the case of a person tried and convicted on a criminal information or a coroner's inquisition as if he had been tried and convicted on indictment but shall not apply in the case of a peer or peeress, or other person claiming the privilege of peerage, convicted on indictment or inquisition charging him or her with any offence not lawfully triable by a court of assize.

(3) This Act shall apply in the case of a parent or guardian against whom an order is made under section ninety-nine of the Children Act, 1908¹, by a court of assize or court of quarter sessions, as if he had been tried and convicted on indictment and as if the order were a sentence passed on his conviction.

(4) This Act shall apply in the case of a person sentenced to detention in a Borstal Institution by a court of quarter sessions under section ten of the Criminal Justice Administration Act, 1914², as if the proceedings before the court of quarter sessions were a trial on indictment and as if he had been convicted on indictment:

Provided that no such person shall appeal under this Act against his conviction.

Notes

¹ 8 Edw. 7. c. 67.

² 4 & 5 Geo. 5. c. 58.

As originally enacted

20. Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“Appellant” includes a person who has been convicted and desires to appeal under this Act;

“Attorney-General ” means the Attorney-General for Northern Ireland;

“The Court” means the Court of Criminal Appeal in Northern Ireland constituted by this Act;

“ Lord Chief Justice ” means the Lord Chief Justice of Northern Ireland;

“ Minister” and “ Ministry ” mean, respectively, the Minister and the Ministry of Home Affairs for Northern Ireland;

“ Sentence ” includes any order of the court of trial made on conviction with reference to the person convicted or his wife or children, and any recommendation of that court as to the making of a deportation order in the case of a person convicted, and the power of the Court to pass a sentence includes a power to make any such order or recommendation which could lawfully have been made by the court of trial;

As originally enacted

21.— Short title, extent and repeal.

(1) This Act may be cited as the Criminal Appeal (Northern Ireland) Act, 1930.

(2) This Act shall not extend to England or Scotland.

(3) For the purposes of section six of the Government of Ireland Act, 1920¹, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

(4) The Acts specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Notes

¹ 10 & 11 Geo.5.c. 67.

SCHEDULE.

ENACTMENTS REPEALED.

Section 21

As originally enacted

| Session and Chapter. | Short Title. | Extent of Repeal. |
|----------------------|--|--|
| 11 & 12 Vict. c. 78. | The Crown Cases Act, 1848 | The whole Act. |
| 40 & 41 Vict. c. 57. | The Supreme Court of Judicature (Ireland) Act, 1877. | Section fifty; in section sixty-five the words " including the practice and procedure with respect to Crown cases reserved." |
| 8 Edw. 7. c. 59. | The Prevention of Crime Act, 1908. | Paragraph (f) of section eighteen. |
| 8 Edw. 7. c. 59. | The Children Act, 1908 . | Paragraph (16) of section one hundred and thirty-three. |
| 13 Geo. 5. c. 2. | The Irish Free State (Consequential Provisions) Act, 1922 (Session 2). | In sub-paragraph (2) of paragraph six of the First Schedule the words from "Questions under " to the end of the sub-paragraph. |

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"Store Swine" means a pig deemed by a Inspector of the Ministry to be suitable for further feeding and not suitable for immediate slaughter.

"Dealer" means any person who buys pigs for the purpose of resale.

Commencement.

8. This Order shall come into operation on the twenty-fourth day of April, One Thousand Nine Hundred and Thirty.

Short Title.

9. This Order may be cited as the Swine Fever (Northern Ireland) Order, 1930.

In witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this fourteenth day of April, nineteen hundred and thirty.

(L.S.) (Signed) *James S. Gordon,*
Secretary.

Transit of Animals.

TRANSIT OF ANIMALS (NORTHERN IRELAND) ORDER OF 1927,
AMENDMENT ORDER, 1930, DATED 28TH JULY, 1930.
1930. No. 100.

The Ministry of Agriculture for Northern Ireland by virtue and in exercise of the powers vested in it under the Diseases of Animals Act, 1894, as amended and adapted by any subsequent Enactments, and of every other power enabling it in that behalf, orders and it is hereby ordered as follows:—

Amendment of Article 21 of the Transit of Animals (Northern Ireland) Order of 1927.

1. Article 21 of the Transit of Animals (Northern Ireland) Order of 1927 shall be read and have effect as if the following additional provision were inserted therein:—

"(5) Where a vessel subsequent to the cleansing and disinfection required by the foregoing paragraphs of this Article is used for the carrying of cargo other than animals the vessel shall before the taking on board of any animal be cleansed as follows:—

- (i) All hay, straw and other packing material and all chemicals or other agents or things likely to cause injury to animals shall be effectually removed from all parts of the vessel with which any animal may come in contact;

"(ii) The hay, straw, or other packing material as aforesaid, shall not be landed unless and until it has been well mixed with quicklime. Such material shall, if landed, be forthwith effectually removed from contact with animals, or be destroyed by fire. If not landed, such material shall be destroyed by fire in the ship's furnace, or by other effective means;

(iii) The parts of the vessel from which the hay, straw, or other packing material, or the chemicals or other agents or things as aforesaid, have been removed, shall then be thoroughly swept and cleansed or swilled out."

Commencement.

2. This Order shall come into operation on the first day of September, 1930.

Short Title and Construction.

3. This Order may be cited as the Transit of Animals (Northern Ireland) Order of 1927, Amendment Order, 1930, and shall be read as one with the Transit of Animals (Northern Ireland) Order of 1927.

In Witness whereof the Official Seal of the Ministry of Agriculture for Northern Ireland is hereunto affixed this twenty-eighth day of July, nineteen hundred and thirty.

(L.S.) *James S. Gordon,*
Secretary.

BORSTAL INSTITUTIONS.

Corporal Punishment.

1930. No. 71.

WHEREAS it is enacted by Section 2 of the Criminal Law and Prevention of Crime (Amendment) Act (Northern Ireland), 1930, that the Ministry of Home Affairs may make regulations under that Section with respect to the infliction of corporal punishment in Borstal Institutions in Northern Ireland:

And Whereas it is further enacted by the said Section that the provisions of paragraph (b) of Section 18 of the Prevention of Crime Act, 1908 (as that Act applies in Northern Ireland), shall apply to any such regulations:

And Whereas by the said paragraph (b) of Section 18 of the Prevention of Crime Act, 1908 (as it applies in Northern Ireland), it is enacted that any regulations to be made under Part I of the said Act, which deals with Borstal Institutions, shall be made by the Ministry of Home Affairs for Northern Ireland, subject to the approval of the Governor and Privy Council of Northern Ireland :

Now, therefore, the said Ministry of Home Affairs, in pursuance of the powers vested in the said Ministry as aforesaid, and of all other powers enabling it, hereby makes the following regulations with respect to the infliction of corporal punishment in Borstal Institutions in Northern Ireland :—

1. Corporal punishment shall only be inflicted with a cane of a pattern approved by the Ministry of Home Affairs.
2. The number of strokes to be inflicted on an inmate in respect of any offence shall not exceed twelve.
3. The order of the Visiting Committee of the Borstal Institution in respect of any specific offence is to be carried out at one time. No portion of the Committee's order is to be delayed and carried into effect at a later date.
4. Canings shall be administered either on the hand or the posterior of the inmate, but in the latter event the inmate shall not be made to remove his clothing.
5. All inflictions of corporal punishment, together with the number of strokes ordered to be given by the Visiting Committee, shall be recorded by the Governor of the Borstal Institution in the Punishment Book, and also in the personal record of the inmate concerned.
6. The Governor of such Institution, or, in his absence, the Chief Officer thereof, shall be present on all occasions when corporal punishment is inflicted, and such punishment shall not be inflicted unless the Medical Officer of such Institution has certified that the inmate concerned is at the time in a fit condition to receive such punishment.
7. All orders of the Visiting Committee in connection with the infliction of corporal punishment shall be carried out as soon as possible and in strict privacy.
8. These regulations may be cited as The Corporal Punishment in Borstal Institutions (Northern Ireland) Regulations, 1930.

Given under the official Seal of the Ministry of Home Affairs for Northern Ireland, this first day of May, 1930.

(L.S.)

W. A. Magill,
Assistant Secretary.

BY THE GOVERNOR AND PRIVY COUNCIL OF NORTHERN IRELAND.

ABERCORN.

In pursuance of the Statutes in that behalf, I, James Albert Edward, Duke of Abercorn, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of St. Patrick, Governor of Northern Ireland, with the approval, advice, and consent of the Privy Council of Northern Ireland, have settled and hereby approve of the foregoing Rules made by the Ministry of Home Affairs for Northern Ireland.

Given at the Council Chamber, Belfast, this sixth day of May, in the year of Our Lord, One thousand, nine hundred and thirty.

Craigavon.
H. M. Pollock.
R. Dawson Bates.
John M. Andrews.
E. M. Archdale.
J. Milne Barbour.

CENSUS OF PRODUCTION.

Census of Production Rules.

THE CENSUS OF PRODUCTION RULES, 1930, DATED 31ST DECEMBER, 1930, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 3 AND 8 OF THE CENSUS OF PRODUCTION ACT, 1906 (6 EDW. 7, c. 49).

1930. No. 163.

WHEREAS it is provided by Section 3, sub-section (1) of the Census of Production Act, 1906 (6 Edw. 7, c. 49) that forms shall be prepared for the purpose of being filled up by the persons specified in the Schedule to the said Act with such of the particulars set out in the said sub-section as may be prescribed.

And whereas, by Section 8 of the said Act as adapted and applied pursuant to the Government of Ireland Act, 1920, by the Directions of the Lord Lieutenant, dated 7th June, 1921, and the General Adaptation of Enactments (Northern Ireland) Order, 1921, it is provided that the Ministry of Commerce for Northern Ireland may make Rules thereunder :—

- (a) for prescribing, either generally or as respects any particular industry or class of industries, anything which, under the Act, is to be prescribed ; and

A.D. 1933.

- (a) Out of the Trust Fund—such amount expended on the said works as the Ministry may direct and certify under the powers conferred by clause 9 of the scheme and all other powers enabling it in that behalf, so, however, that the capital of the Trust Fund shall not fall below the sum of £1,000 $3\frac{1}{2}$ per cent. Conversion Loan, the sum thus made available for the said works being estimated at £5,000.
- (b) The Ministry shall contribute through the Ministry of Labour a grant amounting to 60 per cent. of the wages of unemployed persons specially engaged for the work on such conditions as the Ministry of Labour may prescribe, such grant being estimated at £1,800.
- (c) The Urban Council shall contribute the sum of £1,000.
- (d) The County Council shall contribute a sum equal to the difference between the sum total of the amounts at (a), (b) and (c) above and the actual cost of the works or the sum of £11,000, whichever is the less, such contribution being estimated at £3,200.
- (e) The Ministry shall be responsible for any excess of cost over a total of £11,000.

4. Payments under clause 3 (b) shall be made throughout the period of the work and the Urban Council and the County Council shall not be required to make their contributions or any part thereof until the payment out of the Trust Fund shall have been made in full.

5. On the completion of the said works, the Ministry in pursuance of the provisions of the scheme may if it deems it expedient direct the Land Purchase Trustee to pay from time to time the income of the residue of the Trust Fund to the person or persons or body corporate whom the Ministry may from time to time nominate under the provisions of the scheme as supervisor within the meaning of the scheme. The Supervisor shall apply the said income as provided in the scheme in or towards the maintenance, repair and working of the original drainage works, including such as may be reconstructed under the provisions of this Agreement, and the cleansing of the River Quoile, and the said person or persons or body corporate shall be under no legal liability for the upkeep save to the extent of disbursing the said income to the best advantage in such maintenance, repair, working and cleansing.

6. The Urban Council agrees, if so requested by the Ministry, to act as Supervisor within the meaning of the scheme.

7. If after completion of the said works silting of the area dredged or excavated takes place or renewals or reconstruction of the works become necessary, to such extent as would involve expenditure in excess of that normally chargeable to yearly maintenance, the Ministry agrees to take all relevant factors into consideration with a view to the obtaining of assistance by means of a money grant from Parliament.

8. The liability of the County Council and the Urban Council shall be limited to that set forth in this Agreement.

9. On the completion of this Agreement steps shall be taken as soon as may be by the Ministry to obtain the sanction of Parliament

to the provisions thereof, to the extent to which such sanction may be necessary. A.D. 1933.

In witness whereof the above parties have caused their Official and Corporate Seals to be hereunto respectively affixed the day and year first herein written.

The Official Seal of the Ministry of Finance was affixed hereto in presence of
L.S. G. C. DUGGAN,
Assistant Secretary.

Present when the Corporate Seal of the Down County Council was affixed.
L.S. JAMES BLANE, Chairman.
J. HILL DICKSON, } Councillors.
HUGH BROWN, }
R. J. DICKSON, Secretary.

Present when the Corporate Seal of the Downpatrick Urban District Council was affixed.
L.S. EDWARD K. McGRADY, Chairman.
WILLIAM MULLAN } Councillors.
M. J. PORTER, }
S. COCHRANE, Clerk.

CHAPTER 31.

An Act to amend section ten of the Criminal Justice Administration Act, 1914, and sub-section (4) of section nineteen of the Criminal Appeal (Northern Ireland) Act, 1930, and otherwise to amend the criminal law in Northern Ireland.

[9th November, 1933.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1. Whereas by sub-section (2) of section one of the Northern Ireland (Miscellaneous Provisions) Act, 1932, passed by the Parliament of the United Kingdom, it is enacted that if the Parliament of Northern Ireland make provision for amending section ten of the Criminal Justice Administration Act, 1914 (which relates to the sending of youthful delinquents to Borstal institutions) by

Amendments
as to
detention in
Borstal
institutions.
22 Geo. 5,
c. 11.
4 & 5 Geo. 5,
c. 58.

A.D. 1933.

20 & 21 Geo. 5,
c. 45.

conferring the like jurisdiction on courts of assize as is thereby conferred on courts of quarter sessions, that Parliament may make such consequential amendments in section nineteen of the Criminal Appeal (Northern Ireland) Act, 1930, passed by the Parliament of the United Kingdom, as may be necessary to provide an appeal from a sentence of detention in a Borstal institution pronounced by a court of assize by virtue of the said amendment:

Therefore the following provisions shall have effect:—

- (a) Section ten of the Criminal Justice Administration Act, 1914 (which empowers a court of summary jurisdiction in certain cases to commit an offender to prison until the next quarter sessions, and empowers the court of quarter sessions to sentence the offender to detention in a Borstal institution) shall have effect as if for the words "the next quarter sessions" there were substituted the words "the next assizes or quarter sessions, whichever appears to the court to be more convenient," and as if for the words "court of quarter sessions," wherever they occur in that section, there were substituted the words "court of assize or court of quarter sessions, as the case may be";
- (b) Sub-section (4) of section nineteen of the Criminal Appeal (Northern Ireland) Act, 1930, shall have effect as if for the words "court of quarter sessions," wherever they occur in that sub-section, there were substituted the words "court of assize or court of quarter sessions."

Explanation
of First
Schedule
to Children
Act, 1908.
8 Edw. 7,
c. 67.

13 & 14 Geo. 5,
c. 9.

Unlawful
possession
of pension
documents.

2. For the purpose of removing doubts, it is hereby declared that the expression "Any other offence involving bodily injury to a child or young person" in the First Schedule to the Children Act, 1908, includes the following offences, that is to say, the murder or manslaughter of a child or young person and infanticide, and that sub-section (1) of section four of the Criminal Evidence Act (Northern Ireland), 1923, applies to the said offences.

3.—(1) If any person in Northern Ireland receives, detains or has in his possession any document to which this section applies as a pledge or a security for a debt,

A.D. 1933.

or with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) This section applies to certificates or official documents evidencing or issued in connection with the right of persons to pensions or allowances payable out of—

- (a) any grant which may be made out of the Consolidated Fund of Northern Ireland or the Consolidated Fund of the United Kingdom, in pursuance of any Act of the Parliament of Northern Ireland or the Parliament of the United Kingdom, for civil or police non-effective services; or
- (b) the Teachers' Superannuation Fund, established by the Teachers' Superannuation Act (Northern Ireland), 1926.

16 & 17 Geo. 5,
c. 18.

4.—(1) If for the purpose of obtaining any benefit or payment under the Poor Relief Acts (Northern Ireland), 1838 to 1928, either for himself or for any other person, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding six months.

Penalty for
obtaining
poor relief
by fraud.

(2) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought within twelve months from the date on which evidence, sufficient in their opinion to justify a prosecution for the offence, comes to the knowledge of the guardians of the union in which the alleged offence was committed, and, for the purposes of this provision, a certificate purporting to be signed by the clerk of the union as to the date on which such evidence as aforesaid came to the knowledge of the guardians shall be conclusive evidence thereof.

5. References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland.

Interpreta-
tion.

6. This Act may be cited as the Criminal Justice Act (Northern Ireland), 1933.

Short title.