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GOVERNMENT OF NORTHERN IRELAND

The Protection and Welfare of the Young and the Treatment of the Young Offender

Presented to Parliament by Command of
His Excellency the Governor of Northern Ireland

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THE PROTECTION AND WELFARE OF THE YOUNG AND THE TREATMENT OF THE YOUNG OFFENDER

Introduction

1. The subject of the protection and welfare of the young and the treatment of the youthful offender was dealt with in a report (known as the Report of the Lynn Committee) made to the Minister of Home Affairs in 1937 and published as a Command Paper (Cmd. 187) in 1938. The Committee's recommendations covered a wide field and dealt with :—

(a) the care and protection of children and young persons, child life protection and the prevention of cruelty and exposure of children to moral and physical danger ;
(b) the registration, inspection and control of voluntary homes ;
(c) factors affecting juvenile delinquency ;
(d) juvenile courts ;
(e) the probation system ;
(f) the care of children and young persons on remand ;
(g) methods of treatment for neglected and delinquent children and young persons ; and
(h) the treatment of young offenders over 17 years of age.

2. The Committee's terms of reference were " to inquire into the existing provisions of the law in Northern Ireland for the protection and welfare of the young and the treatment of young offenders, and to report what changes, if any, are desirable in the present law or its administration." The law at that time was contained mainly in the Children Act, 1908, and in certain legislation administered by Boards of Guardians and Public Health authorities. In 1933 the Children Act, 1908, had been replaced in England by the Children and Young Persons Act of that year and the Lynn Committee made it their main task to consider how far the changes effected in the law could be suitably applied to Northern Ireland. While the Report received close consideration, the outbreak of war in 1939 and certain changes which have been made, or are contemplated, in regard to specific aspects of social security have precluded the taking of active steps to promote legislation which would bring the position up-to-date in regard to the general care and protection of children (including adoption) and the treatment of juvenile offenders. The whole field of legislation must, consequently, be surveyed now and proposals made which will ensure that neither the destitute child nor the child in contact with an environment likely to produce delinquency will be without protection. Similarly, where a child or young person offends against the law adequate and proper means of dealing with him must be provided and his continued welfare and rehabilitation must become the responsibility of the State.

3. An examination of the existing law relating to children and young persons (apart from that contained in legislation regarding education) is essential in order to show the present powers and duties devolving on government departments and local authorities and to indicate the entire lack of adequate powers to deal with specific aspects of the problem. It is apparent that all children who are deprived of a normal home life or who are not receiving adequate care and attention in the formative years are the victims of circumstances which ultimately lead to delinquency. Children boarded out by Welfare Authorities, children living in homes where they are not properly treated, illegitimate children, children whose parents may be undergoing imprisonment or who may be too ill to look after them, children against whom offences have been committed and children who have themselves committed some breach of the law are involved in the problem.

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THE PRESENT POSITION

Child Life Protection

4. Part I of the Children Act, 1908, as amended by the Children (Amendment) Act (N.I.), 1931, requires that where the nursing and maintenance of any child, i.e., a person under 14 years of age, is being undertaken apart from its parent for reward, forty-eight hours' notice of the arrangements must be given to the local authority, whose sanction to the arrangement must be obtained. Similarly, the day nursing of children for reward requires to be sanctioned. The local authorities make arrangements for visiting and inspecting the homes in which the children are accommodated and require to be kept informed where the residence is changed or where the arrangement for nursing and maintenance is being discontinued. Children being nursed or maintained for reward may be removed to places of safety under the provisions of the 1908 and 1931 Acts if they are kept in overcrowded or dangerous or insanitary premises or by any unfit person. A " place of safety " is defined as any workhouse, police station, hospital, surgery or any other suitable place, the occupier of which is willing temporarily to receive an infant or child. It should be noted that until the passing of the 1931 Act the conditions applicable to the nursing of children for reward applied only in the case of children under 7 years of age.

Prevention of Cruelty and Exposure to Moral and Physical Danger

5. Existing legislation is contained in the Dangerous Performances Acts, 1879 and 1897, the Prevention of Cruelty to Children Act, 1904, and the Children Act, 1908. The 1908 Act provides penalties for assaulting, ill-treating, neglecting, abandoning, etc., any child or young person and a parent or person liable to maintain a child or young person is deemed to have neglected him if he fails to provide adequate food, clothing, medical aid or lodging or fails to obtain the necessary food, etc., under the Poor Law Code. Penalties are also provided if a person who is guilty of the manslaughter of a child or young person has been directly or indirectly interested in any sum of money accruable or payable on the death of the child or young person.

6. The Act also covers the suffocation of an infant under three years of age while the infant is in bed with any person under the influence of drink. Other offences included in the Act are :—

1. Allowing a child or young person to beg.
2. Exposing a child under 7 years of age to the risk of burning.
3. Allowing children or young persons to be in brothels.
4. Causing or encouraging the seduction or prostitution of young girls.
5. The commission of certain sexual offences.

Provision is also made for the safety of children and young persons involved in these cruelty offences. A police constable or any person authorised by a justice of the peace may take to a " place of safety " any child or young person in respect of whom an offence has been committed and the child or young person may be detained until he can be brought before a Court of Summary Jurisdiction for disposal. The Court may order the child or young person to be taken out of the care of the person charged with the offence and placed under the care of a relative or other fit person. The Order may be varied or revoked at any time by the Court and similarly the Minister of Home Affairs may discharge the Court Order and may also approve of the emigration of the child or young person. In certain cases the Court is empowered to send a child involved in a cruelty offence to an Industrial School.

7. Provision is made for the maintenance of the child or young person by the parent or guardian and for the upbringing of the child or young person in the religious persuasion to which he belongs. The Act also prohibits the sale of tobacco to persons under 16 years of age. It precludes the taking of pawns from person under the age of 14 and provides for the exclusion of children from licensed premises, and the giving of intoxicating liquor to a child under five is an offence. The children of vagrants who, by the nomadic habits of the parents, are prevented from receiving proper education may be sent to an Industrial School and the promoters of entertainments for children in premises reached by stairs must provide sufficient attendants to ensure the safety of the children.

Welfare Authorities in relation to Children

8. By a series of statutes Boards of Guardians were given the care of orphan and deserted children because they already had functions in regard to paupers but the legal status of children was such that special provision for their care was necessary when they came within the pauper class. Thus a Relieving Officer could bring an orphan or deserted child to the Workhouse where the Guardians maintained it or boarded it out with foster parents. The Guardians could also take control of the children of parents relieved in the Workhouse where they considered the parents unfit to have the care of the children. The Guardians could not take control of a child whose parents were not being relieved, even though it was in need of care and protection. The Relieving Officer or the Guardians could, however, bring such cases before a Court of Summary Jurisdiction in accordance with the provisions of the 1908 Act. The Guardians derived their powers to board out children from the Pauper Children (Ireland) Act, 1898 and 1902, and were enabled by statute to pay a cash allowance for a child's maintenance to the foster parent. With the passing of the Public Health and Local Government (Administrative Provisions) Act (N.I.), 1946, a new administrative structure was created to carry out the functions of Boards of Guardians. County and County Borough Councils, as Welfare Authorities acting through statutory Welfare Committees, have now assumed the Guardians' responsibilities in relation to children, and Welfare Officers have been appointed in each area.

Refractory children under the care of Welfare Authorities may, by order of the Court, be sent to an Industrial School.

Voluntary Homes

9. The Children Act, 1908, empowers the Minister of Home Affairs to arrange for the inspection of any Institution for the reception of poor children or young persons, but the Minister has no authority to give any specific directions for the management of the Institutions. There is thus no authority to require such homes to be registered nor is there any means by which any Government Department can interfere in the arrangements for the training, education or after-care of the children accommodated in the Institutions. There are a number of homes in Northern Ireland which accept destitute, orphan and illegitimate children. These homes are in most instances provided by religious organisations and it is probable that at least 1,000 children are being cared for at present. In some cases, e.g., Dr. Barnardo's Homes, effective after-care and boarding-out schemes are in operation, but, on the whole, it is evident that much more could be done in regard to standards of accommodation, education, training, etc. The lack of adequate financial resources is, however, a handicap at most Institutions.

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The Employment of Children and Young Persons

10. Legislation in regard to this matter is spread over the period 1840—1947 and deals with the employment of children by chimney sweeps, in industrial undertakings, in mines and quarries, in factories and workshops and in shops, and restrictions are placed on persons under 18 years of age going abroad for the purpose of performing for profit.

Neglected Children and Young Persons

11. Certain categories of children and young persons coming within this heading have been referred to above, i.e., cruelty cases, but the 1908 Act also specifies certain " neglect " categories of children who may be brought before a Petty Sessions Court by *any person*. These categories include children who are :—

(a) found begging or receiving alms ;
(b) found wandering and not having any settled place of abode or not having a parent or guardian or having a parent of guardian who does not exercise proper guardianship ;
(c) found destitute and having both parents or the surviving parent undergoing penal servitude or imprisonment ;
(d) 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 ;
(e) daughters of a father who has been convicted of certain sexual offences in respect of any of his daughters ;
(f) frequenting the company of prostitutes.

12. In such cases the Court may dispose of the child to an Industrial School or, as in the case of children and young persons involved in cruelty cases, place them in the care of fit persons. The Court Order may be made operative until the child reaches the age of 16 and any society or body corporate established for the reception and protection of poor children or the prevention of cruelty to children comes within the definition of a " fit person."

Children and Young Persons Charged with Offences

13. Under the existing law in Northern Ireland no act committed by a child under 7 years of age is a crime, and a child between 7 and 14 years of age is legally presumed to be incapable of an offence unless definite affirmative evidence is called to show that he had sufficient capacity to know that the act was wrong. Present legislation provides for children (persons between 7 and 14 years of age) and young persons between 14 and 16 years of age being prosecuted for any breach of the law for which adults are chargeable.

14. The 1908 Act provides for the setting up of Juvenile Courts to hear charges or applications relating to a child or young person unless the child or young person is charged jointly with a person over 16 years of age. Provision is made for the Court to sit in a different building or room from that in which the ordinary sittings of Petty Sessions are held or in any event to sit on a different day or at a different time from the ordinary court. From 1935 until 1942 Juvenile Courts consisted normally of one Resident Magistrate, but in the latter year legislation was enacted to provide for two lay persons, known as " Children's Guardians," to sit with the Resident Magistrate in cases at which the attendance of the child or young person was required. The Children's Guardians, who are persons qualified to deal with juvenile cases, are appointed by the Governor of Northern Ireland for each Petty Sessions District. The Guardians may interrogate any person giving evidence, but apart from this they have no judicial functions. This procedure was recommended in the Lynn Report, but

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it should be specially noted that in cases in which children and young persons are jointly charged with persons over 16 years of age they do not come before the Juvenile Court and it is also important to note that School Attendance cases are heard by the ordinary Courts of Summary Jurisdiction.

15. Within the category of juvenile offences have been included cases of refractory children brought before the Court either by Boards of Guardians or parents and in such cases the Court has the same power of disposal as is conferred on it in relation to juvenile offenders.

16. It is obligatory on the police to release on recognizance to his parent or guardian a child or young person apprehended for an offence unless the charge is one of homicide or other grave crime, or unless it is necessary for the offender to be kept from associating with certain persons or there is reason to believe that release would defeat the ends of justice. If the offender is not released on bail by the police or if he is remanded in custody by the Court he must be sent to a place of detention to be provided under the statute by the police authorities, but existing Reformatory and Industrial Schools may be used for this purpose. A Remand Home for girls has been provided by the Ministry of Home Affairs.

17. Where a child or young person charged with any offence is tried by any Court and the Court is satisfied of his guilt it is obliged to take into consideration the manner in which 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 (under the age of 12) to an Industrial School ; or
(f) by sending the offender (between 12 and 16 years of age) 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 ; 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.

18. Numerous cases are dealt with each year under the methods laid down at (a), (b) and (c) above and it can be said that the attitude of the Courts throughout Northern Ireland at the present time is to deal with the juvenile offender, particularly in cases of first offences, as sympathetically as possible having regard to the nature of the offence. Much more use than formerly is being made of the provisions of the Probation of Offenders Act, 1907, and in particular the placing of offenders under the supervision of a Probation Officer is being resorted to in many cases. The relevant portion of the 1907 Act reads as follows :—

" Where a person is brought before a Court of Summary Jurisdiction 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 other than a nominal punishment or that it is expedient to release the offender on probation the Court may, *without proceeding to conviction* :—

(a) dismiss the information or charge ; or

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

(c) add to the recognizance referred to in paragraph (b) a condition that the offender be under the supervision of such person as may be named in the Order and an Order requiring the insertion of such condition is referred to as a Probation Order."

19. The recognizance may contain such additional conditions with regard to residence, abstention from intoxicating liquor and any other matter 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. The Probation Officer visits regularly the home of the offender, enquires as to his behaviour, mode of life and employment. Where a child of school age is involved, enquiries are made about his attendance at school but the child himself is not visited on the school premises. Generally the Probation Officer advises, assists and befriends the probationer and, where necessary, finds employment for him. The assistance of religious and social organisations and agencies is availed of and every effort is made to secure the probationer's connection with youth organisations. Full use is also made, where necessary, of the Child Guidance Clinic.

20. It can be claimed that only as a last resort is any juvenile offender sentenced to detention in a Reformatory or Industrial School. At the present time the duty of providing for the reception and maintenance of children and young persons sent to Reformatory and Industrial Schools by the Court devolves on local authorities, but it is the responsibility of the Minister of Home Affairs to certify such Schools as fit and proper for the reception of the offenders. Of the local authorities in Northern Ireland only the Belfast Corporation has provided an Industrial School but so far as the other authorities are concerned (and including Belfast Corporation in relation to Reformatory Schools) arrangements exist with Voluntary Schools for the reception of delinquent children and young persons, the Ministry of Home Affairs operating a Reformatory School for boys and a Reformatory and Industrial School for girls. At the present time the Government and local authorities share equally the cost of maintaining committed children and young persons in Reformatory and Industrial Schools.

21. The treatment of the child and youthful offender in these Schools is such that the normal primary school curriculum is carried out either by trained teachers on the staff or by utilising the services of outside schools. Since, however, children sent to Industrial Schools normally remain there until they are 16 years of age and young persons may remain in Reformatory Schools until they are nineteen years of age the training of the inmates is an important factor in their treatment so that they will be enabled to find employment on their release. In this respect boys are more easily catered for than girls and, consequently, a system of vocational training in trades such as tailoring, shoemaking and carpentry, is in being. In addition, farming and market gardening are carried on on a fairly extensive scale. So far as girls are concerned training in domestic work and sewing is available.

22. After-care schemes are available in all Schools for the purpose of finding employment for the young offender on his release from detention and where a

special Welfare Officer is not carried on the staff, the Probation Officers are available for the work. In a number of cases the juveniles have not been permitted to return to their homes for various reasons and in these instances lodgings have been found for them. What may be termed the " prison atmosphere " is entirely absent in these Schools. They are run on the most up-to-date lines consistent with the lay-out, etc., of the premises available. Stress is laid on the training of the inmates and they enjoy adequate recreational facilities. If their homes are within reasonable distance from a School they are allowed frequent visits to their parents and on two or three occasions each year they are permitted to spend about a week at home with their parents.

Contributions by Parents towards the Maintenance of Children and Youthful Offenders in Certified Schools

23. The principle of requiring the parent or other person having the control of a child or young person to contribute towards the maintenance of the offender was laid down in the 1908 Act and by an Order in Council made in the following year the maximum rate of contribution was fixed at 6s. per week for a Reformatory and 5s. per week for an Industrial School. These rates are still in force and by modern standards are obviously too low, but experience has shown that even at the present time, and during the war years when wages were at a high level, the percentage of the cases in which the full contribution could be obtained was relatively low. The actual contribution is fixed by the Court and is collected by the police on the authority of the Court Order, the sums collected accruing to the Exchequer and not to the Schools in which the offenders are detained. It is held that the imposition of a weekly levy, however small, on the parent of a child or young person sentenced to a period of detention in a certified school has a salutary effect in that it brings home to the parent his responsibility for the conduct of his child. Before fixing the contribution to be paid the Court considers the financial circumstances of the family and it is significant that, of 1,308 cases dealt with during the period 1938-47, contributions were fixed by the Court in only 424 cases. Voluntary contributions were obtained in 492 additional cases, but, all told, the maximum contribution of 6s. or 5s. per week was levied in 131 cases only. The Court has power to vary or revoke any contribution Order which it makes and a similar power, as well as authority to cancel arrears of payments, is vested in the Minister of Home Affairs.

Adoption and Illegitimacy

24. Adoption Orders are made by the Supreme Court or the County Court and for the purposes of the Adoption of Children Acts (N.I.), 1929 and 1934, applications can be made for the adoption of " infants "—persons under the age of 21 years. The adopter must be a person at least 25 years of age and, except in special circumstances, must be 21 years older than the adopted child. Except in the case of spouses, one person only may adopt a child and a male is not normally permitted to adopt a female infant. Before making an Adoption Order, the Court must be satisfied that the parent or guardian or person having the custody of the child consents to the application, but such consent may be dispensed with, at the discretion of the Court, if the child has been abandoned, deserted or neglected. There is an onus on the Court to ensure that all parties understand the nature and effect of the Order and that the adoption is for the welfare of the child. No payment or reward is to be made in consideration of the adoption. The Court has power to apply any conditions it may think fit and may place the child in the care of the adopter for a probationary period up to two years. Full particulars of all Adoption Orders are recorded in a register kept by the Registrar-General for Northern Ireland and, except under a Court Order, the particulars kept by the Registrar-General are not divulged.

25. So far as illegitimate children are concerned, various statutes governing the making of Affiliation Orders, the legitimation of a child on the subsequent marriage of the parents, etc., are in existence. The boarding-out of illegitimate children and arrangements for their nursing and maintenance for reward are governed by the enactments already mentioned in connection with these matters.

PROPOSALS FOR THE FUTURE

Introduction

26. Within the past few years the State has concerned itself to a marked degree in the planning and development of what are known as the "Social Services," and the new schemes in relation to health, welfare, education, family allowances, insurance, etc., indicate that the approach to various problems which concern the community as a whole has changed. The problem of the care and protection of the young and the treatment of the young offender is no less the concern of the State, because the well-being of children who have been neglected, abandoned or ill-treated or who have come into conflict with the law is essentially bound up with the welfare of the community as a whole. Legislation on the subject in accordance with modern thought and ideas is necessary to complete the present social structure.

27. At the time when the Lynn Report was published, conditions, which ultimately led to the outbreak of war, were so uncertain that legislation had, of necessity, to be deferred, and the various social security schemes introduced or proposed since the termination of hostilities precluded, and indeed to an extent still preclude, any definite appreciation of the problem as it will exist in a few years' time. The far-reaching changes in social services must, therefore, colour any approach to the problem but it is largely a matter of conjecture whether the new system of Education, the development of the Health Services and the extension of National Insurance will reduce to any great extent the many and varied problems associated with the protection and welfare of the young or lessen to any appreciable degree the existing volume of juvenile delinquency. It is worthy of note that in the review of 179 cases set out in the Appendix to this Paper, poverty is not once specifically mentioned as a cause of delinquency. It is certain, however, that, for some time to come, State intervention will be necessary and, while the nature of the problems may change, their disappearance must, in the long run, depend on the community itself. The Government is, however, determined that whatever the shape of ultimate legislation on the subject, every child and young person in the community whose future welfare is endangered either by neglect or by infringement of the law shall be dealt with in the manner best fitted to enable him to take his place as a valuable member of the community.

28. For well over a century the country has, to an extent not generally appreciated, relied on voluntary effort for the care of neglected and other children. This voluntary work, supplementing the facilities which existed under the Poor Law Code, produced valuable results, but at the same time it had the effect of keeping in the background any definite knowledge of the extent of the problem. The community as a whole, including the Government, accepted this position, but the policy of National measures of assistance in all fields of social work demands that the care and protection of the young should be considered afresh and that voluntary effort should be assisted and encouraged as a matter of Government policy.

29. Numerous committees of inquiry in every country in the world have dealt with all aspects of this matter, ranging in scope from child life protection to the treatment of juvenile offenders up to 21 years of age. Here in Northern Ireland committees sat in 1923 and in 1935-1937, but their task was, in the main,

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concerned with juvenile delinquency. Valuable inquiries were carried out in England and Wales culminating in the Curtis Report (Cmd. 6922) which dealt with the existing methods of providing for children deprived of a normal home life, and set out certain steps which should be taken to have such children brought up under conditions best calculated to compensate them for lack of parental care. The proposals in the new* Children Bill (recently introduced in the House of Lords) taken with the Children and Young Persons Act, 1933, are the most up-to-date measures on the subject as a whole, but the answer to the problem as it exists in Northern Ireland does not lie in a slavish adoption of the system, either existing or proposed, in Great Britain. Here in Northern Ireland the area and population to be dealt with is relatively small and there are few urban areas in which the population exceeds 5,000 persons.

30. Standards of responsibility towards children are found to be reasonably high in an agricultural community and experience of the administration of the Poor Law statutes indicates that such standards are of a fairly high order in Northern Ireland. The system of boarding-out children from workhouses in the past was, on the whole, most successful and is a matter on which the local administration is deserving of praise.

31. In any proposals which the Government has to make the paramount consideration will be the future welfare of the child whether he comes into the care of a Welfare Authority or a Voluntary Home, or is the subject of adoption or boarding-out or a resident of a school for delinquents, but it is not intended to upset radically the vast amount of useful voluntary work being done, nor is it intended to adopt any scheme which will give either the State or a local authority, at their discretion, control over every child. Every effort will be made to utilise existing organisations and agencies, both public and voluntary, to ensure economy of effort and staff and to keep expenditure within the limits consistent with the importance of the work. Thus not only will voluntary organisations find a place in the new proposals, but Welfare Authorities which have already set new standards in the approach to matters of public welfare generally must of necessity be given wider responsibilities in relation to children than those which they have inherited from Boards of Guardians.

32. Taking as the basis of the problem the following categories, viz :—

1. Children deprived of a normal home life ;
2. Child life protection ;
3. Adoption ;
4. Illegitimate children ;
5. Voluntary Homes for children ;
6. The care and protection of children exposed to moral and physical danger ;
7. Children and young persons charged with offences ; and
8. The employment of children and young persons,

it is found that both Government Departments and local authorities are involved and that in all categories many safeguards are lacking and improvements in supervision and treatment urgently required. Child life protection and the care of destitute and orphan pauper children come under local jurisdiction ; Adoption Orders are a matter for the Court but further protection to ensure the welfare of the child both prior to and after adoption is necessary. The arrangements often made for the care of illegitimate children are such that some authority must in future intervene, while children placed in the care of a " fit person " are left entirely without supervision. Children and young persons who find their way to Reformatory and Industrial Schools are often the victims of circumstances which, if proper facilities for their care existed, need never have

* Now the Children Act, 1948.

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arisen ; Voluntary Homes are not subject to any control and it is necessary to ensure that children are not subjected to institutional life for a great number of years. The categories which have been set out are inter-related because the child or young person who, for instance, is in need of care and protection or who is illegitimate and in many cases unwanted in the home, is a potential delinquent. But protection from various circumstances which are detrimental to the future well-being of a child is not, by itself, sufficient. Any child who is removed from its parents or guardian must continue to be the responsibility of some authority until it reaches an age when it can take its place in the community as a self-supporting entity.

33. The Curtis Report on the care of children drew attention to the division of responsibility as between State and local authority and recommended that ultimate responsibility should rest with one central department which would define requirements, maintain standards and advise and assist those taking immediate responsibility for the care of children. It stressed the need for close co-operation between the central department and those dealing with education and health matters to ensure that services available for the benefit of the community as a whole should not be debarred to children and young persons removed from the care of their parents. The need for expert treatment for children deprived of a normal home life was recognised and it was pointed out that the centralisation of existing and extended powers could best achieve this end.

34. Turning now to Northern Ireland, the Government considers that as a first essential, and to ensure co-ordination of effort and experience, one single Government Department, the Ministry of Home Affairs, will deal with all aspects of legislation affecting the care and protection of the young and the treatment of the young offender. Welfare Authorities in relation to their responsibilities for children will come under the control of the Ministry ; Voluntary organisations operating Homes for children will be required to comply with certain conditions ; managers of institutions for delinquent children and young persons will be subject to measures of control ; new conditions governing the adoption of children and the care of illegitimate children will be laid down ; Juvenile Courts will be established on a new basis and the probation system extended ; and after-care schemes for all children and young persons coming directly within the scope of the new legislation will be instituted. In this way all phases of the work will be centralised and complete co-ordination of schemes for all classes of children achieved.

35. The second essential feature of the scheme will be the appointment of an advisory committee, to be known as the Child Welfare Council, whose functions will extend to all matters relating to children coming within the scope of the Government's proposals. Questions affecting accommodation, staffing, boarding-out rates, after-care schemes, etc., will fall to be dealt with by the Council at the Minister's request. The composition of the Child Welfare Council will be such that it will be thoroughly representative of all shades of opinion, and its Chairman and members will be appointed by the Minister of Home Affairs.

36. Welfare Authorities may consider it advisable to appoint sub-committees to deal solely with matters relating to children so that problems concerning the young will be considered specially and apart from other functions coming within the jurisdiction of the Authorities.

Children deprived of a normal home life

37. Welfare Authorities, as successors to the Boards of Guardians, have power to provide for the relief of " orphan " or " destitute " children (as

defined in the Pauper Children (Ireland) Act, 1902), and while these categories are given fairly wide interpretation there are numerous cases which arise from time to time which cannot be dealt with under the existing powers. Destitution, on which the Poor Relief Acts were based, will largely disappear, particularly in view of the terms of the National Assistance Act (N.I.), 1948, but the general care of children in certain circumstances must continue to be provided for. It is proposed, therefore, that Welfare Authorities shall, in future, have responsibility for any child under 17 years of age who has neither parents nor guardian or who has been abandoned or whose parents or guardians are for some reason, such as disease, infirmity or other incapacity, temporarily or permanently prevented from providing for his proper accommodation, maintenance and upbringing. A Welfare Authority shall be empowered to keep a child in their care so long as the welfare of the child requires it, but not beyond the time when the child attains eighteen years of age. If, however, any parent or guardian desires to take over the child, the Welfare Authority shall not be empowered to keep it, and, in any event, it will be the duty of an Authority to secure that the care of the child is taken over by his parent or guardian or by a relative or friend. Where, however, through certain circumstances, it is clear that full control of a child should be given to a Welfare Authority, the Authority shall apply to the Juvenile Court for the custody of the child. It shall be the responsibility of the Welfare Authority and the Juvenile Court to ensure that a child coming into their care, or being placed in the care of the Authority, will be brought up in the religious persuasion to which it belongs.

38. Accommodation for the reception and maintenance of children coming into their care shall be provided by Welfare Authorities, either separately or jointly, or an Authority may make arrangements with a Voluntary Home to provide such accommodation. Welfare Authorities will, however, be obliged to find, where possible, foster homes for children coming into their care.

39. It is felt that existing Welfare Committees could best meet their responsibilities by appointing sub-committees to deal with all aspects of child welfare in their areas. These sub-committees would supervise the work of the welfare staff in the counties and county boroughs in relation to children, ensure that lists of suitable foster homes are compiled and kept up-to-date and generally carry out the functions to be allocated to Welfare Authorities under the new proposals.

40. The setting up of Homes for children by the Welfare Authorities, appointment of staff, their conditions of service, including salaries, will be subject to the approval of the Ministry which may refer such matters to the Child Welfare Council for their advice.

41. Boarding-out rates will be fixed and will be reviewed from time to time by the Ministry on the advice of the Child Welfare Council.

42. Welfare Authorities will be required to notify the Ministry of all children given into their care and the Ministry shall review all cases at frequent intervals to ensure that boarding out has, where possible, been accomplished.

43. Financial assistance will be available from public funds towards the expenditure incurred by Welfare Authorities on their functions in relation to the care of children. A grant not exceeding 50 per cent. of the net cost will be payable towards the establishment and running of Homes for Children already provided or to be provided by Welfare Authorities, the maintenance of children in the Homes and the cost of boarding out. Power will be taken to provide for a parent or guardian being made liable to contribute towards the maintenance of any child coming within the care of a Welfare Authority, so long as the child is under 16 years of age.

44. In order that properly trained staff will be available to carry out the functions allocated to Welfare Authorities the Authorities will be empowered to arrange for the attendance of staff at suitable training courses.

45. It is obviously of importance that a child who has been in the care of a Welfare Authority should continue to be the responsibility of the Authority for a period after he ceases to be in their care. Steps will, therefore, be taken to secure his future well-being either by the provision of additional educational facilities or by training in a trade which will enable him to earn a livelihood. Welfare Authorities will thus be empowered to develop after-care schemes providing for the accommodation of a person who has been in their care and for his further education, including training in a suitable trade.

46. After-care schemes will be subject to the approval of the Ministry which may submit any or all schemes to the Child Welfare Council for their advice as to the suitability of a scheme for the particular locality in which it is to operate. Any scheme put forward will provide for a person over 16 years of age in remunerative employment contributing to his maintenance.

Child Life Protection

47. In regard to this matter the Lynn Committee recommended that seven days' notice should be given to the appropriate authority by a person who intends placing a child to be nursed or maintained for reward so that an adequate period would be available for investigations. It was also considered that whether or not "reward" was part of the arrangement notification should be required. It is intended, therefore, that Welfare Authorities should be notified of any arrangement to be made for the nursing or maintenance of any child up to school leaving age whether or not for reward. The Authorities will carry out the necessary investigations into conditions in the proposed foster home and will supervise the child until he reaches that age or beyond that age if necessary. Unless conditions in the new home satisfy the requirements of the relevant Welfare Authority it will be an offence to proceed with the arrangement.

48. The Welfare Authority will, with the consent of the Juvenile Court, be empowered to remove any child improperly kept by a foster parent, and old age, infirmity or ill-health of the foster parent will be regarded as sufficient reason for the removal of the child. Where a child is removed from the care of a foster parent the Court may place him in the care of the Welfare Authority or return him to his parent or guardian.

Adoption of Children

49. While the provisions of the Adoption of Children Act (N.I.), 1929, provide reasonable safeguards for the adopted child there are at least two points in respect of which further provision must be made, viz., the methods by which adopters are found and the supervision of the adopted child. At the present time adopters are found by means of advertisements, with financial inducement, inserted by the mother of the child or by interested third parties and it is alleged that agencies exist for arranging adoptions for profit without any real concern for the welfare of the child. It is, therefore, essential that all arrangements should be subject to the closest scrutiny. The present statutory positions should therefore, be amended

(i) to provide for the registration of adoption societies ;

(ii) to prohibit the making of adoption arrangements by bodies other than registered adoption societies or Welfare Authorities ;

(iii) to authorise Welfare Authorities to supervise adopted children under school-leaving age or beyond that age ; and
(iv) to prohibit advertisements being published indicating that
(a) the parent or guardian of the child desires the child to be adopted ; or
(b) a person desires to adopt a child ; or
(c) any person (except a registered adoption society or a Welfare Authority) is willing to make arrangements for the adoption of a child.

Illegitimate Children

50. In this connection the secrecy which surrounds the birth of such children has meant that the existing statutory requirments for boarding out and adoption have, in many instances, been disregarded. It seems at first glance that if all illegitimate children are to get the best possible start in life some authority should be responsible for their supervision from the time at which the birth is registered. The Government is, however, hesitant about providing any statutory requirements which would result in a child merely by reason of illegitimacy coming directly under the supervisory control of any authority, but there are some cases in which it is apparent that both boarding out and adoption regulations are ignored and it is essential that safeguards be introduced. Were it possible to secure the mother's co-operation with officials of the local Health Services and with Welfare Officers there is no reason why an illegitimate child, whose mother cannot for any reason retain it in her care, should not be dealt with on a voluntary basis. Failing such co-operation the alternative appears to be a statutory requirement whereby the Registrar of Births will notify the birth of an illegitimate child to the appropriate Welfare Authority.

Voluntary Homes

51. While appreciating the excellent work being done by voluntary organisations which provide Homes for children, the Government feels that as a measure of protection for the organisations themselves, the Homes should be registered, and that to ensure an adequate standard of treatment and accommodation the supervision of such Homes should be brought within the control of a Government department. Recent experience has proved that children may be " lost " in a Home for a considerable number of years and that in many cases no adequate means exist for boarding-out suitable cases, nor for after-care and general assistance of children who leave a Voluntary Home. Voluntary Institutions will, therefore, be required to apply to the Minister for registration and be subject to approval by the Minister and open to inspection on his behalf. The Minister may refer any such application to the Child Welfare Council for their advice as to the suitability or otherwise of any premises in respect of which application for registration is made and the Minister will be empowered to withhold registration or to order the closing down of any Home not being properly conducted.

52. Approved Voluntary Homes will be subject to regular inspection on behalf of the Minister, and the Ministry shall be advised of all children received into a Voluntary Home, of all children being boarded-out and of all children being placed in employment by the Homes.

53. The provision of effective after-care schemes for children who have been accommodated in Voluntary Homes is of the utmost importance. Some of the existing Institutions have such schemes in operation but comprehensive

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arrangements for all Homes must be the aim in future. There should be no unnecessary interference in such matters, but it is considered that each Institution should be required to prepare an after-care scheme for submission to the Ministry. The obtaining of suitable foster-parents for children in Voluntary Homes is also of importance and in this connection co-operation between the Homes and Welfare Authorities should ensure that adequate facilities are available. The supervision of children boarded-out by Voluntary Homes will, irrespective of whatever supervisory arrangements are made by the Homes themselves, come within the province of Welfare Authorities. The Homes will also be subject to the proposals which have been made in respect of adopted children.

54. Grants will be available from Government sources for special purposes connected with the improvement of Voluntary Homes and Welfare Authorities will be empowered with the consent of the responsible Ministry to make contributions to voluntary organisations whose object or primary object is to promote the welfare of children. Welfare Authorities as an alternative to providing separate accommodation in their areas for children received into their care will be at liberty to make, with the approval of the Ministry, agreements with the Management Committees of Voluntary Homes for the reception of such children.

55. Voluntary Homes will be required to satisfy the Ministry that every effort is being made to board out children coming into their care. Boarding-out rates in respect of such children will be payable by the Welfare Authority of the area to which the child can be related and a grant not exceeding 50 per cent. of the net cost will be available from Government sources. An onus will be placed on the parent or guardian to contribute towards the cost. Where it is not possible to relate a boarded-out child to a particular county or county borough the full net cost of boarding-out will be borne by the Government.

The Care and Protection of Children and Young Persons exposed to Moral and Physical Danger

56. The prevention of cruelty to children and young persons and their exposure to moral and physical danger has been dealt with fairly adequately in the Children Act, 1908, as amended by the Children Act (1908) Amendment Act, 1910, but the term " in need of care and protection " in relation to offences against children has not been defined. It is proposed, therefore, to cover cases in which a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or is exposed to moral danger or is beyond control ; children and young persons against whom certain offences, e.g., offences under the Punishment of Incest Act, have been committed, children and young persons who are members of the same household as a person who has been convicted of such an offence or a child of vagrants who is prevented from receiving education. Children who are found begging or receiving alms or are lent or hired to any person who is singing, playing, performing or offering anything for sale in a street or public place will also be covered.

57. There is at present no means, either on the application of the parents or otherwise, for dealing with adolescents between 14 and 17 years who are beyond control, and since cases occur in which young persons—especially girls—are entirely out of hand and in imminent danger of moral contamination it is imperative that a Juvenile Court should be empowered to deal with such cases.

58. At the present time any person may bring a child found begging, wandering, etc., before the Court, but it is desirable that the classes of person who may set the law in motion should be clearly set out. Consequently, it is proposed to put this power in the hands of the police, Probation Officers, Welfare Authorities and certain authorised persons, e.g., National Society for the Prevention of Cruelty to Children. Parents or guardians will be enabled to bring refractory children and young persons before the Court, which will be given jurisdiction over all children in need of care and protection and may dispose of them to an Approved School, a relative or other fit person. A "fit person" will include an approved Voluntary Institution and a Welfare Authority.

59. Under the existing law, it is an offence to allow any child under 7 years of age to be exposed to the risk of burning by having an unguarded open fire grate in any room. The weakness in the provision is, however, that the child must be killed or suffer injury before the offence is complete. It is proposed, therefore, that wilful or negligent exposure to the risk of burning should be an offence whether or not the child is injured. More up-to-date provisions in regard to the safety of children at places of entertainment will also be enacted and an onus placed on the person who provides the entertainment to engage sufficient attendants to ensure that all reasonable precautions are taken for the safety of the children.

60. Protection against cruelty, etc., is given under the 1908 Act to children and young persons under 16 years of age. The age limit will be raised to 17 and where the offence is committed by a young person between 16 and 17 years of age the offender will be brought before the Juvenile Court as having committed an act punishable in the case of an adult as a criminal offence.

61. The 1908 Act gives power to the police, or any person authorised by a justice of the peace, to remove to a place of safety any child or young person against whom an act of cruelty has been committed. As the existing definition of "a place of safety" is out of date it is proposed to make it obligatory on the manager of an Approved School or Remand Home, a Welfare Authority or any approved Voluntary Home to receive and maintain the child or young person until he can be brought before a Juvenile Court. The Court will then be empowered to dispose of the child or young person to the care of a relative, a fit person, or, if desirable, to an Approved School.

Offences committed by Children and Young Persons

62. The existing constitution and powers of Courts dealing with offences committed by juveniles have already been set out, but as an improvement in the present methods it is proposed to reorganise the Juvenile Courts and to raise the age limit in the definition of "young person" to 17 years instead of the present limit of 16 years. The age of criminal responsibility will be raised from 7 to 8 years of age. The new Juvenile Courts will continue to be presided over by a Resident Magistrate with the assistance of two lay members (one male and one female) drawn from a panel to be appointed for each county by His Excellency the Governor of Northern Ireland. Each member of the panel will have judicial functions in regard to juvenile offenders and the Clerk of Petty Sessions will act as Clerk of the Juvenile Court. The Courts will, where possible, be accommodated in premises apart from the ordinary Petty Sessions Courts and will, in any event, sit at a time when the ordinary Court is not being held. The proceedings will be less formal than in an ordinary Court and only those persons concerned in the case will be present at the hearing. In all cases the Probation Officer for the area will be required to attend. The Court will have power :—

(a) to dismiss the case ;

(b) to place the offender on probation under the supervision of a Probation Officer without requiring him to enter into a recognizance to be of good behaviour ;
(c) (i) to return an offender over the age of 16 years for trial in specific cases ;
(ii) in exceptional cases to return any offender for trial ;
(d) to order the offender to be sent to an Approved School ;
(e) to commit the offender to the care of a fit person, whether relative or not, who is willing to take care of him or her ;
(f) to commit the offender to the care of an approved Voluntary Society or to the appropriate Welfare Authority ;
(g) in certain cases to impose a fine to be paid by the parent or guardian ;
(h) in cases dealt with as at (e) and (f) to place the offender under the supervisory care of a Probation Officer.

63. A Juvenile Court will not have power to send a child under 10 years of age to an Approved School unless for any reason, including the want of a fit person of his own religious persuasion, the Court is satisfied that he cannot suitably be dealt with otherwise.

64. The Juvenile Court will not have power to impose imprisonment or corporal punishment, but in order to gain the fullest possible information in regard to a case will have power to remand an offender in custody or otherwise. If a remand in custody is necessary, accommodation provided by an approved Voluntary Society or in an Approved School may be used. Juvenile Courts will therefore, deal with :—

1. All children and young persons charged with offences.
2. Destitute, orphan and abandoned children and young persons and children brought before the Court as being in need of care and protection.
3. Children and young persons against whom offences have been committed and who have been exposed to moral and physical danger.
4. Children and young persons brought up for non-attendance at school.
5. Children and young persons brought before the Court by their parents as being refractory.

65. In all cases the question of the disposal of the child or young person will be a matter for the Juvenile Court and Part III of the Children and Young Persons Act, 1933, will be enacted for the protection of juvenile offenders in relation to criminal and summary proceedings.

66. A probation service already exists in Northern Ireland, but outside Belfast the work is done by part-time officials. In many areas Probation Officers have not been appointed by the Courts with the result that the best possible use is not made of the procedure laid down in the Probation of Offenders Act, 1907. The best method of dealing with this matter is to amend the provision of the 1907 Act, and, therefore, at the earliest possible moment a new Measure dealing with the probation system will be introduced. Steps will be taken to provide for the appointment of Probation Officers, either whole-time or part-time for each area and it may be feasible to utilise the services of Welfare Officers for the work.

67. A definite handicap in the present probation system is the lack of accommodation for probationers who should, in their own interests, be required to reside away from their homes. In framing the new legislation consideration will be given to the question of affording financial assistance from the Exchequer to voluntary agencies which may be able to provide accommodation for probationers.

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68. It is also essential to arrange for children and young persons on probation to visit the Probation Officers at frequent intervals since a more intimate appreciation of the needs and difficulties of the probationers can be obtained in this way. This very desirable arrangement can be fully achieved only by providing office accommodation, away from the atmosphere of the Courts, for the Probation Officers and by the payment of travelling expenses incurred by the probationer. The service should be extended in this way and greater efforts made to co-ordinate the work with that being done by voluntary organisations.

69. The provision of treatment for mental defectives, as envisaged under the *Northern Ireland Mental Health Bill, will also contribute to the success of the probation system and be of inestimable value in regard to the treatment of many children and young persons who are now detained in Reformatory and Industrial Schools.

70. The distinction between Reformatory and Industrial Schools will be abolished and they will be classed as Approved Schools for various age groups. A general power will be given to the Minister of Home Affairs to arrange for the boarding-out of suitable cases from Approved Schools. At the present time any child under the age of 8 in an Industrial School may be boarded-out by the Manager of the School subject to the approval of the Minister. But, for a variety of reasons, insufficient use has been made of this power in the past and it is essential that the Minister should be in a position to decide himself whether or not boarding-out is feasible. The following case will illustrate what may occur under the present legal position—In 1939, a boy, aged 7 years and 5 months, was ordered to be detained in an Industrial School for a breaking and entering offence until he reached the age of 16. After a few weeks he absconded from the School, committed another offence and was returned by the Court to the institution. He was ordered to be birched, but this penalty was revoked by the Governor of Northern Ireland. In 1942 and 1944 he again absconded and on the latter occasion committed an offence for which he was sent to a Reformatory. Although he absconded from the Reformatory soon after his committal he eventually settled down exceptionally well and was permitted to take up outside employment while continuing to reside in the School. He was subsequently released to take up resident employment in Northern Ireland but he left this job and also a job in England to which he had been sent to get him away from the environment of his home. He had, however, to be brought back to the School for his own protection. The Manager of the School reports—"His trouble is that he has been far too long in an institution and now can't live anywhere else. He works well in the School but his home is impossible and his step-father will not have him in the house." This is a typical example of a case where boarding-out might well have saved this boy from becoming "institutional minded."

71. With the exception of a School provided by Belfast Corporation and two Schools operated by the Ministry of Home Affairs at Balmoral (Malone Training School) and Whiteabbey, Co. Antrim, the institutions are provided by Religious Bodies and Voluntary Bodies. Most of the premises are old and entirely unsuitable for present-day needs and considerable extensions and improvements will be required in some cases while in others new buildings may be necessary. The Borstal Section of Malone Training School should be divorced from the existing Reformatory side which is housed in the same premises.

72. At present a Court has power to make an Order requiring a parent or guardian to contribute towards the cost of a child or young person detained in a Certified School. The maximum rates were, however, laid down in 1909 and these rates should be amended to bear a better relation to the present-day costs.

* Now the Mental Health Act (Northern Ireland), 1948.

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73. The certification and inspection of Approved Schools will remain with the Minister and existing Boards of Management and Management Committees operating the schools will retain control of the Institutions. The Minister's certificate in respect of any Approved School will be subject to the type of training provided in the school and the appointment of staff being approved by the Ministry. The existing provisions whereby local authorities and the Government share equally the cost of maintaining children and young persons detained in Approved Schools by Order of the Court will not be disturbed, and parental contributions towards the maintenance of children and young persons in the Schools will be shared between the Exchequer and the local authorities.

Employment of Children and Young Persons

74. Certain amendments to the Children Act, 1908, and the Education Act (N.I.), 1923, were made by the Education Act (N.I.), 1947, and these existing provisions, together with other relevant enactments, will be consolidated in new legislation. The employment of children abroad will remain within the jurisdiction of the Imperial Government by reason of the terms of Sections 25 and 26 of the Children and Young Persons Act, 1933.

Financial Arrangements

75. Under existing conditions the entire cost of certain services is borne on local funds ; in other instances the cost falls directly on the Exchequer ; while in regard to the maintenance of delinquent children and young persons the expenditure is borne equally between county or county borough councils and the Exchequer.

76. The proposals which have been made in this White Paper will result in—

1. Grants not exceeding half the cost of the services to be undertaken by Welfare Authorities being met by the Exchequer ;
2. Grants for special purposes being paid to Voluntary Homes ;
3. Grants towards the expenditure on the improvement of the accommodation in existing Approved Schools ;
4. Increased expenditure on other services, e.g., the probation service, incidental to the proposed legislation.

77. It is not feasible at the moment to indicate with any degree of accuracy the total cost which will fall on the Exchequer. Boarding-out rates vary considerably at the present time and until the proposed Child Welfare Council indicates to the Ministry what the rates should be for the various age groups it is impossible, even on the basis of the present numbers of children boarded-out and accommodated by Welfare Authorities, to estimate the cost. Furthermore, the number of cases which will fall to be dealt with by Welfare Authorities under the proposed extended powers is not ascertainable and, therefore, neither the boarding-out costs nor the expenditure necessary to provide Homes for the children can be gauged.

78. In regard to Voluntary Homes, it is reasonably certain that most, if not all, of them are in urgent need of improvement and such improvement would be necessary before they could be used to any extent for the reception of children in need of care. The existing Reformatory and Industrial Schools require immediate improvement to meet modern needs of training children. The estimated cost of this service is not, therefore, possible of assessment under present conditions. Similarly the cost of maintenance of children and young persons committed by the Courts to these Schools shows a wide variation at the present time. The weekly per capita cost of maintenance varies between 25s. and 65s. per week, and

with improvements in standards of training, etc., there is bound to be an increase in the rates of maintenance.

79. Modifications in the present procedure for the payment of both Government and local authorities' grants towards these Schools will also be introduced. The Schools will be obliged to estimate the weekly cost of maintenance at the beginning of each financial year and grants will be made in advance on the basis of this estimated cost. For the improvement of existing Approved Schools or the building of new Approved Schools loans will be available from Government sources, the cost being levied against the Exchequer and local authorities. The extension of the probation system is also envisaged and there will consequently be increased costs under this head, but until an investigation is made to ascertain whether the Welfare Service can be utilised for this purpose the additional cost cannot be foreseen.

APPENDIX I.

Children under the care of Welfare Authorities

	1939	1940	1941	1942	1943	1944	1945	1946
In Workhouses	214	188	147	154	133	201	212	187
Children boarded-out ..	364	349	372	339	328	315	293	312
Children in Certified Schools ..	7	7	6	6	6	6	6	2
Total ..	585	544	525	499	467	522	511	501

APPENDIX II.

Report on cases of juvenile delinquency which occurred in Belfast and Londonderry during the year 1947

Enquiry has been made into the background of 179 offenders under the age of 16 years, and it is suggested that the particulars obtained reveal some of the causes of juvenile crime.

For instance, in 55 cases the home conditions and influences are sufficiently bad for comment to be made. In 8 of these cases brothers are involved; 7 homes are extremely bad, one being described as dangerous to enter, and a second having greyhounds receiving the attention which the children should be receiving. Several have overcrowding.

Lack of parental control would appear to be a contributory cause in 62 cases, in 7 of which brothers and sisters are involved. In 23 cases they are left to their own devices after school. Truancy can be mentioned in 20 cases. In 3 cases boys had already been to Industrial Schools for truancy. There are 14 cases of history of Police Court appearances in the family, in several of which parents have convictions for housebreaking, etc., and 5 cases where members of the family are suspected of stealing or pilfering. In the case of the three girls, Nos. 117, 118 and 119, it is thought that they were sent out by their parents to steal, but insufficient evidence was forthcoming and no charges of this nature were preferred. One of the mothers has been convicted of larceny.

In 30 cases the mothers go out to work and in two cases where the mothers are dead, sisters, who go out to work, tend the boys. In 3 cases the mother is self-employed and has not enough time to spare for the family. In 37 cases a parent is absent, including 14 cases of absence in the Services and 8 of separation in the home, and in 5 of the 37 cases brothers are involved. In 31 cases one of the parents is dead and in 3 others both parents are dead. In 10 cases altogether there is a step-parent.

There are loose morals in the family in 21 cases, including the mother and sister in one family, and a sister in 2 others, who are prostitutes. In 2 cases the mother has been convicted of brothel keeping. In 14 cases, including 4 families where 2 brothers are charged in each case, there is a history of drunkenness in the family, and it is not known whether this can be properly considered as having any bearing on the fact that there are brothers charged. In all there are 22 brothers and 2 sisters appearing on this list. In several cases an older brother has already been charged.

There are 13 cases of low mentality in the offenders, ranging from mental deficiency to irresponsibility, and in 5 cases there is evidence of physical deficiency. Besides this there is a physical or mental defect in parents in 21 families.

Illegitimacy, sleeping out, living with grandparents, and an adopted child, are all mentioned. Gambling is only evident in 9 cases. Excessive picture going can only be traced in 5 cases : this would surprise most people.

In 21 cases the offences are said to be escapades and in 45 cases the boys were said to be led by others, while 18 are described as leaders in offences.

In one case the cause can definitely be said to be the result of a mixed marriage and in another it is an apparently lop-sided view of religion where the boy is not allowed to express a natural ability in sport and handicraft.

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Home conditions and background of 179 children and young persons who committed offences during the year 1947

Case No. 1

Home good ; parents decent ; only child ; appears to have mental kink ; at time of July offences was alone in house, his parents being on holiday. He told the police that breaking into houses was his hobby when he had nothing else to do and no one to look after him. Proceeds of crimes spent on billiards, gambling and fun fairs.

Case No. 2

Home comfortable, clean and tidy ; parents respectable ; mother helpful to police, anxious to do her best for the boy ; weekly income £12 ; twelve children in household ; overcrowded conditions.

Case No. 3

Home poor ; eight children ; parents decent and wish to help Probation Officer ; boy is now working.

Case No. 4

Home industrious, happy ; no apparent reason for crimes ; described as being an escapade led by older boys. He calls to see police of his own accord and is now working well.

Case No. 5

Home poor ; low standards in the household ; parents do not care much what happens to children ; no control. Parents suspected on several occasions of being a party to boy's crimes, but nothing ever proved.

Case No. 6

Home bad ; no standards ; father killed serving with Army in Italy ; mother loose morals ; four children in family ; boy played truant from school ; a sister did not go to school because she did not want to.

Case No. 7

Home very poor ; no standards ; bad example ; father suspected of stealing ; mother decent ; small children in family ; no control ; boy was gambling.

Case No. 8

Home good ; mother decent ; parents have interest in family ; boy led by others, now working with father ; family large, young.

Case No. 9

Home bad ; father working ; mother absent ; fairly large family ; father makes some effort to improve matters but has no control over boy who ran wild for a time ; during war was begging and running loose until all hours of night ; nobody bothered much about him ; was " mitching " from school at that time.

Case No. 10

Home not good ; no control by parents ; mother knew boy was stealing and did little to help ; allowed him to play truant ; family of nine children, one boy and two girls working ; income £9 a week. Boy was sleeping out and may have been influenced by No. 11 with whom he offended.

Case No. 11

Home not good ; mother shields boy from father ; eight children, but one boy and one girl working ; income £5 10s. 0d. a week. Boy afraid of father and stayed out ; police think father is too severe, but he is helpful and has an interest in the children. Boy may have led No. 10. The father has convictions for larceny, breaking and entering.

Case No. 12

Home good ; parents take an interest in family ; no apparent reason for crime ; income £7 10s. 0d. a week ; three children. Boy quiet, good at school, not criminally minded and making good progress with Probation Officer now. Led by No. 13.

Case No. 13

Home very bad ; income £3 a week ; no care or interest given to children ; mother careless ; no control over large family, all of whom are suspected of petty larceny. Leads others.

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Case No. 14
Home poor ; father absent in England but maintains family ; mother in poor health, but is interested in family so far as she is able ; two children ; boy quite good, but easily influenced by others.

Case No. 15
Home overcrowded ; income £7 5s. 0d. a week. Father is a decent, hardworking man who takes an interest in his family and has a good influence in the home. Mother has large family to look after ; boy said to be good previously.

Case No. 16
Home good ; father decent and earning good money ; mother good type ; home influence good. Boy was under the influence of Nos. 13 and 18.

Case No. 17
Home conditions fair ; father drunkard—now in England and better to remain there ; suspected of pilfering from shops ; mother hard worker but harassed ; boy not really bad but no proper control or standards.

Case No. 18
Brother of No. 13, with whom he operated.

Case No. 19
Adopted child ; home good ; father with R.A.F. in England ; mother decent, interested in children ; control good ; three children. Until this boy was adopted recently he had no settled place of abode ; he was knocked about between relatives and was insecure ; said to be under influence of No. 21.

Case No. 20
Home good ; comfortable ; father unemployed ; control as good as circumstances permit ; mother goes out to work while father looks after house ; boy is good lad and police knew family and were surprised when he became involved in crime ; he is under the influence of No. 21.

Case No. 21
Home very poor, conditions bad ; father dying of cancer and not capable of looking after children ; mother has no control, might as well not be there. She is deaf. Boy has had no chance ; described as " bad wee fellow ;" low mentality with hare lip and cleft palate, stated to be really cunning and criminally minded. An older brother was in trouble previously and was sent to a Reformatory but is now working and doing well. Boy said to be doing quite well since going to the Reformatory but might as well have never been to a school ; led others on.

Case No. 22
Home good ; parents dead ; cared for by sister who is very wise, though only 20 years of age. She works out and has control over boy and properly cares for him. Family said to be excellent ; left alone when very young. An older brother is in England and he contributes to the support of the home. Led by No. 21.

Case No. 23
Bad conditions in home ; no control ; mother absent ; boy is living with father and grandmother ; allowed to do as he pleases. Home now improved ; boy working and doing quite well.

Case No. 24
Home quite good ; father dead ; mother and daughter working ; boy said to be quite a good lad ; working.

Case No. 25
Home not good ; father dead ; mother remarried ; husband does not support home ; mother goes out to work ; daughter also earning ; step-father drunkard. When 10 years of age boy was sent to Industrial School for truancy.

Case No. 26
Home poor but clean ; parents decent ; boy sent to Industrial School for truancy in 1943.

Case No. 27
Home untidy ; mother slack and careless ; no control ; father returned from Services when boy offended last ; home improved now ; boy not really bad ; no parental control during absence of father.

Case No. 28
Brother of No. 27.

Case No. 29
Home untidy ; father labourer ; parents casual and careless and have no control ; brother in Borstal now ; boy described as cunning ; believed to have played truant and also believed to have been under the influence of brother now in Borstal.

Case No. 30
Home good ; boy got out of control during absence of father in Services ; quite bad boy ; no steady job ; now collecting refuse.

Case No. 31
Home very poor ; mother dead ; father looks after home ; two younger children with relatives ; one younger child at home ; boy played truant ; but more or less left to his own devices, though father is anxious to do the best for family.

Case No. 32
Home good, clean ; mother capable ; parental control now good ; boy got beyond mother's control during father's absence ; three other sons in family, working.

Case No. 33
Home decent, clean and tidy ; father resides away from home but maintains family ; mother dead ; boy lives with grandmother ; not a bad boy.

Case No. 34
Home good, father separated from family but maintains them ; mother capable but has had a lot of worry with father ; boy said to be quite good. A brother was also in trouble.

Case No. 35
Home quite good ; mother working out ; no parental control ; no interest ; boy is a truant ; now Boy Scout and cleans house for mother.

Case No. 36
Home indifferent ; father dead ; mother working out ; no control ; boy was running wild with no one to look after him ; played truant ; now doing well but discipline rather strict now.

Case No. 37
Home life bad ; father ex-Army man but standard not high ; mother lazy and illiterate ; allowed boy to run wild during the absence of father ; no interest ; boy not bad if he had a chance ; attended school well ; easily influenced by others.

Case No. 38
Home decent ; parents dead since boy's infancy ; he was brought up by a sister now 30 years of age who gave family a good home ; she is decent and hardworking ; was working out at time of offence ; is now married and has the boy with her. Other sister and brother both working ; boy good lad but got into bad company while sister was working ; not likely to appear again.

Case No. 39
Home not much good ; father drunkard ; mother dead ; married sister now looking after boy ; he was allowed to run wild ; no control ; he is not really bad ; now working fairly steadily.

Case No. 40
Home fairly good ; mother dead ; no one to look after boy properly ; sister tends house and family ; very fine girl ; family industrious ; boy quite a decent lad but got into bad company ; lacks mother ; attended school well.

Case No. 41
Home fair ; father worked in England and maintained family ; mother took little interest in and had no proper control over the family ; she was not a very good influence ; the father returned when the boy got into trouble ; mother ran off with another man ; older brother is a decent hardworking lad ; boy quite a nice lad but got into bad company.

Case No. 42
Home influence not good ; mother slack and careless ; father keeps greyhounds which occupy the beds, seats and best positions in the house while people stand around ; standards poor ; boy not good but has had no other example.

Case No. 43
Brother of No. 42.

Case No. 44
Home good ; good influence in home ; mother works out occasionally ; slightly deaf ; boy good lad, good school record ; led on by Nos. 42 and 43.

Case No. 45
Brother of No. 44.

Case No. 46
Home normal for locality ; resided with grandmother ; father disowns the boy ; the mother is dead ; has a stepmother but never lived with her ; background hardly normal. Boy showed cunning and appears rather antagonistic to superiors in Home where he is on a long remand ; was evacuated during the war to South Down where he did well. On returning home he went to live with his Grannie as mother had died and father married almost immediately which the boy resented ; had no security ; still not doing well.

Case No. 47
Home good and clean ; no control by parents, too lenient ; boy said to be tricky and not dependable ; no history of truancy.

Case No. 48
Home good ; mother working out ; not much time to spend on children ; boy not stable ; unemployed.

Case No. 49
Home very dirty, poorly furnished, influence not good ; father killed in war ; mother not strong physically or morally ; boy neglected ; not much home standards ; no control.

Case No. 50
Home life fair ; father unemployed ; mother casual ; boy not really bad, attended school well ; clever ; led on by others.

Case No. 51
Home bad ; father casual and careless towards family ; mother careless ; big family ; sister ran away from home as conditions were so bad ; boy spent time in fun fairs ; a truant of low mentality.

Case No. 52
Home bad ; very poor ; father too ill to work ; has T.B., not capable of controlling family ; mother not high standards ; no control over family ; five children ; history of T.B. in family ; boy has had no parental control ; was running wild ; a truant ; spent most of his time at pictures ; never in house before midnight.

Case No. 53
Home bad ; background bad ; mother low mentality, careless and dirty ; no parental control at all ; family unstable ; sister a prostitute and was charged with stealing ; second sister also suspected of thieving.

Case No. 54
Home fairly respectable ; mother decent but casual ; seven children, small, including baby ; said to be a good boy ; now attending Club and doing well.

Case No. 55
Home good ; father unemployed ; good influence and control ; mother decent ; parents really distressed when boy got into trouble ; they gave every assistance and were helpful ; young family of five ; boy a good lad but got into bad company.

Case No. 56
Home hopeless ; very poor and dirty ; father decent but has no control ; mother lived with a daughter and another son ; the mother prefers men friends to her husband ; works out ; no moral standards ; boy low mentality and appears to yield to sudden impulses.

Case No. 57
Home good ; father decent and sensible ; influence on the whole good ; family of three boys ; too much religion, boy good lad, clever with his fingers ; no apparent reason for crime.

Case No. 58
Home good, clean and comfortable ; father unemployed ; mother working out ; three children ; boy good, difficult to say why involved in offence ; it is described as an escapade.

Case No. 59
Home atmosphere indifferent ; father separated from the mother and is associating with another woman ; the mother is decent ; she has had an unhappy life ; working out ; the parents quarrelled about the children after parting ; the boy has been upset by influences of home and there is not much control.

Case No. 60
Home badly overcrowded ; father dead ; mother decent, now re-married ; saw little of boy who was brought up by grandparents ; boy not really bad, but said to see nothing but roguery in grandparent's house ; has never had a mother's influence ; went recently to stay with her but is now back again with grandparents.

Case No. 61
Home clean and decent ; father a night worker and a gambler ; mother decent and hard-working ; never was allowed enough money to keep the house ; occasionally works out ; family lazy and do nothing to help the mother ; control seems to be lacking in the whole family ; boy lazy and does as he likes.

Case No. 62
Home good and well-kept ; mother decent ; good influence and interested in children ; family of four ; boy mentally deficient ; is attending Clinic.

Case No. 63
Home good ; lives with grandparents ; father not heard of for years, separated from mother ; mother decent, takes an interest in children and has good control ; works out ; she has had an unhappy married life ; reared family with assistance of her parents, now old age pensioners ; lad good, escapade, now doing very well.

Case No. 64
Home quite good ; father dead ; mother decent ; works out ; controls boy when at home and he obeys ; boy a good lad ; likeable, leader, but not a bully ; has got several lads into trouble but they are very loyal to him ; requires full attention of mother ; other members of family decent and hardworking.

Case No. 65
Home good ; father respectable and worried over boy ; mother good influence ; boy good lad, led away by No. 64.

Case No. 66
Home fairly decent ; father dead ; mother lazy ; appears to spend her time sitting round the fire ; casual with children ; family of four ; boy now working as messenger ; led on by others.

Case No. 67
Home quite good ; father unemployed, lazy, no interest in family, casual ; mother decent ; works out ; grandmother looking after family ; boy good lad, but was led by No. 64.

Case No. 68
Home good ; father working in England ; stepmother decent, clean and respectable ; boy good lad ; good school record ; out of control during father's absence.

Case No. 69
Brother of No. 68.

Case No. 70
Home rough, bad ; no control ; father dead, convictions ; mother careless, drinks, immoral, no known convictions ; whole background very bad ; last generation famous in Police Courts ; children following only example set them ; boy only attended school when he felt like doing so.

Case No. 71
Home not good ; overcrowded ; father easy-going, too lenient ; mother deaf and blind, died since crime ; family of fourteen ; brother also in trouble ; boy allowed to run wild ; irresponsible.

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Case No. 72
See No. 5 re his brother.

Case No. 73
Home respectable ; lives with aunt ; parents dead ; decent older brother who has good control over lad ; other members of the family all decent.

Case No. 74
Brother of No. 34.

Case No. 75
Home decent, respectable ; influence quite good, but father severe and may be too severe ; boy decent lad, appears to have succumbed to temptation ; led on by others.

Case No. 76
Home good and clean ; mother capable ; parents have children well controlled ; boy good lad ; attended school well ; no apparent reason for crime.

Case No. 77
Home respectable ; parents appear to have interest in and control of children ; boy seems to be a bit backward as though below average mentality.

Case No. 78
Home good ; father now dead ; mother decent, capable ; only son ; mother troubled about lad, who is a nice boy and may have been led by No. 79.

Case No. 79
Home good, clean and respectable ; good influence ; mother decent, indulgent to boy ; boy good lad ; but spoilt by parents and plays on that.

Case No. 80
Home good ; father good influence, respectable ; mother decent ; boy not usual type of housebreaker ; good lad, clever, won scholarship to secondary school, now attending there, schoolmasters spoke highly of him ; boy influenced by others ; got in with bad company.

Case No. 81
Home not good ; boy illegitimate ; moral standards not high ; mother casual ; married since boy's birth ; no proper control.

Case No. 82
Home poor ; living with grandparents ; overcrowded ; 12 in two rooms ; boy illegitimate ; mother not intelligent ; bad moral atmosphere ; grandparents hardworking ; boy not really bad but conditions are against him.

Case No. 83
Home quite good ; quarrelling between father and boy ; step-mother capable woman, but never got along with boy ; not a good lad ; seems to lack sense of responsibility ; was in Industrial School for failing to attend school ; he was running wild and appears to have resented intrusion of step-mother.

Case No. 84
Home not good ; parents separated ; father in England ; mother casual, loose morals and not intelligent ; low standards ; when boys got into trouble father returned but found there were fines for not attending school and for immorality in house ; four children ; boy wild and uncontrolled ; when attending school had good report ; mixed marriage is said to have been the cause of the trouble ; the mother is suspected to have known of her children's thefts.

Case No. 85
See No. 84 re brother.

Case No. 86
Home not good ; mother no influence ; boy had been sent to a Boys' Residential Club earlier by direction of Court, and has given trouble in the Club.

Case No. 87
Home indifferent ; father delicate, employed, but loses time because of ill-health ; mother tied to home with young family ; boy appears to take advantage of home circumstances to play truant and do as he pleases.

Case No. 88
Home quite good; mother helpful; good home influence; boy illiterate, never at school because of very bad eyesight due to accident when small; sight improving, now doing well.

Case No. 89
Home clean and comfortable; parents influence not as good as might be; boy resents step-mother.

Case No. 90
Home good; mother capable; good home influence; boy attended school regularly; bright; no apparent reason for crime; looked upon by police as an escapade.

Case No. 91
Home good; mother decent, capable; good home influence; boy quiet, good at school; no apparent reason for crime; three lads, No. 89, 90 and 91, together on escapade.

Case No. 92
Home good; mother respectable; good home influence; boy good lad; believed to be an escapade.

Case No. 93
Home respectable; mother decent; quite good home influence; boy not given to offences; not likely to appear again; believed to be pranks with others.

Case No. 94
Home good; mother respectable; good home influence; believed to be pranks with Nos. 92, 93 and 95.

Case No. 95
Home good; mother capable; parents' influence good; interested; pranks with others.

Case No. 96
Home respectable; mother delicate; no parental control whatsoever; allowed to do as he pleased while father away; boy uncontrolled; led others; offence not considered wilful; youngest of eight children; two brothers unemployed; roamed at will after school hours.

Case No. 97
Home respectable; father unemployed at time of offence; parents' influence quite good; family of five; escapade with others.

Case No. 98
Home good; mother not giving all attention; family industrious and hardworking; escapade.

Case No. 99
Home good and comfortable; mother in local factory; no control by parents owing to their being at work; boy inclined to roam after school hours as no one at home; frequents company of others who have evil intents.

Case No. 100
Home comfortable; parental control completely lacking; spoilt; allowed to do everything he pleases; only child.

Case No. 101
Home rough; mother's morals are questionable; no control of lad; boy brought up with bad example set him; rough and daring; bad record.

Case No. 102
Home bad; father criminal; mother dead; his grandmother reared lad; she is good-natured and easy; no parental control and bad influence; boy good lad; a married sister is now supervising him and he is doing well; police quite hopeful of his becoming steady.

Case No. 103
Home respectable; boy working; good lad but got in with No. 102 who led him astray.

Case No. 104
Home life bad ; father's influence could be better as he has too much interest in dog racing ; mother died in asylum ; no woman in house for sometime ; boy running wild not properly controlled ; leader in delinquency, now doing better.

Case No. 105
Home life good ; boy mentally defective and a truant.

Case No. 106
Home quite good and clean ; parents have difference of opinion in upbringing and child suffers as a result ; boy seems to be suffering from parents' differences ; decent.

Case No. 107
See No. 17 re his brother.

Case No. 108
Home atmosphere indifferent ; boy illegitimate ; nobody seems to care what happens to boy ; is shunned by others in the street ; on probation and making some headway to be decent.

Case No. 109
Home good ; father dead ; mother remarried ; boy has deformed right hand since birth ; good boy ; led by No. 108, stole sweets ; taken to police by mother.

Case No. 110
Home poor and clean ; parents' influence good ; boy good lad.

Case No. 111
Home neglected, dirty and untidy ; father unemployed ; mother poor type ; parents not very high standards ; children neglected ; boy running wild while father away and mother at work.

Case No. 112
Home poorly furnished ; mother good type ; parents interested in family ; children well cared for ; boy backward and not good at school ; believed to be an escapade.

Case No. 113
Home poorly ; mother good type ; parents' influence quite good, but circumstances poor ; boy decent lad ; believed to be an escapade.

Case No. 114
See No. 113 re his brother.

Case No. 115
Home good, well furnished and comfortable ; parents' influence appears to be quite good ; interested in welfare of children ; boy well cared for ; no apparent reason for having got into trouble ; may have been escapade with others.

Case No. 116
Home very bad ; father not of very high mentality ; step-mother poor influence ; all children, both her own and step-children now removed from her care, unfit to look after them.

Case No. 117
Home bad ; no moral standard ; mother said to have known that the thefts were being carried on and did nothing ; parents' influence could be better ; girl was bringing stolen property home and parents keeping it.

Case No. 118
Home not too good ; mother poor type ; sister prostitute ; girl has never seen anything better.

Case No. 119
Home not good ; father unemployed and on sick insurance ; mother convicted of larceny ; parents not good influence ; it is believed that girl was sent out by parents to steal ; family on Outdoor Relief.

Case No. 120
Home quite good, poor ; parents indulgent to boy who is quite decent but of low mentality ; he is kept under control now by his father and is doing well.

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Case No. 121
Home good ; father has not been heard of for some time ; mother fine woman, hard-working ; other children well cared for ; no lack of control ; boy fine lad, intelligent, but very highly strung ; led away by No. 120.

Case No. 122
Home very good but no parental control ; joined Youth Organisation and doing well.

Case No. 123
Home good ; parents religious, decent people ; only child ; control was lacking ; addicted to gambling.

Case No. 124
Home good ; parents religious ; sister contracted marriage of necessity which upset family as parents very strict ; boy got little pocket money.

Case No. 125
Home good ; parents decent ; two children ; boy now employed ; involved with others ; said to have got into bad company.

Case No. 126
Home very good ; mother works out ; grandmother looks after boy ; love of adventure made him commit offence.

Case No. 127
Home good ; parents respectable ; five children ; bad company led to the trouble ; conduct still not satisfactory.

Case No. 128
Home good ; father semi-invalid ; boy gets no attention ; got into bad company ; five children.

Case No. 129
Home very good ; mother was working out at time of offence to get enough money to educate him ; boy was left to his own resources after school hours ; got into bad company, was attending secondary school ; is now looking for work ; behaving satisfactorily, an only child.

Case No. 130
Home good ; parents respectable ; boy was attending secondary school at time of offence ; led others astray.

Case No. 131
Home very good ; parents looked on as being very respectable ; home influence good ; boy attending school when offence occurred ; worked with gang ; advised by R.M. to give it up which he did.

Case No. 132
Home good ; parents industrious and anxious to assist police and Probation Officer ; no apparent reason for crime.

Case No. 133
Home very bad and indescribably dirty ; father unemployed, lazy and good for nothing ; worked about six days since married many years ago ; mother giddy, married beneath her station in life ; eight children no parental control ; truant ; bad home conditions and bad company are the chief causes ; father has been convicted twice for larceny.

Case No. 134
Home poor ; boy illegitimate ; mother since married ; one child of marriage ; step-father beats boy without reason ; mother no control over boy who is of low mentality and slow at school ; mother employed at the time of boy's lapse ; he was left to his own devices ; boy frequents cinema—bad effect.

Case No. 135
Home quite good ; good example but peculiar circumstances ; illegitimate ; mother deserted him after placing him in charge of a neighbour who brought him up with her family ; boy said to be crafty ; has given frequent trouble ; truant and thief.

Case No. 136
Home fairly good; parents spend time in local public house ; cannot be said to be drunkards but they have no control ; children running wild.

Case No. 137
Home good, but overcrowded ; parents respectable ; twelve children ; girl not bad but led into offence by No. 136 ; doing much better now.

Case No. 138
Home bad ; mother works out ; bad social conditions generally.

Case No. 139
Home poor ; father in Army during war ; mother living with another man and neglected family during father's absence ; loose morals ; five in family ; boy of low mentality ; aunt looks after family now.

Case No. 140
Home good ; mother dead ; no one at home to care for boy ; left to own resources ; father's employment did not give him a chance to control boy ; no parental control was the cause of the crime.

Case No. 141
Home fairly good but overcrowded ; no criminal tendencies in family ; adventurous ; not likely to lapse again.

Case No. 142
Home fair but overcrowded ; hard working parents ; boy good lad ; good school attender.

Case No. 143
Home good ; father in Army ; three in family ; excessive cinema-going ; was charged with adult under whose influence he acted ; boy now employed as an apprentice baker ; doing better.

Case No. 144
Home average ; step-mother looks after family fairly well ; three children ; boy decent ; no criminal tendencies in family.

Case No. 145
Home bad ; father unemployed, drinks heavily ; mother worked out ; elderly woman looks after children—six of them ; control lax ; children allowed to roam at will ; did not attend school ; with her sister, No. 146, led Nos. 147 and 148 with whom they were charged.

Case No. 146
Sister of No. 145.

Case No. 147
Home fairly good, but overcrowded ; nine children in family ; girl said to be weak mentally attending Clinic. See Nos. 145, 146 and 148.

Case No. 148
Home good but overcrowded ; nine in family ; believed to have been led on by other girls Nos. 145, 146 and 147 ; is now being kept apart from them.

Case No. 149
See report re his brother No. 10, who may have influenced him.

Case No. 150
Home conditions very good ; parents decent ; good control ; no apparent reason for crime ; boy now member of Boy Scouts and church choir ; doing well.

Case No. 151
Home very good ; parents respectable ; good control ; anxious to assist Police and Probation Officers ; believed to have been led into trouble ; now a member of Boy Scouts and church choir ; largely a boyish prank.

Case No. 152
Home good ; boy good lad ; prank with others.

Case No. 153
Home very good ; parents decent ; boy attends school regularly ; not likely to be involved in further crimes ; considered a boyish prank.

Case No. 154
Home conditions fair ; parents decent ; boy has now obtained employment and is doing well ; he has joined Boy Scouts ; considered a boyish prank.

Case No. 155
Home good ; parents decent people and anxious to do their best for family ; four children ; boy with others committed offence ; love of adventure led them to commit offence.

Case No. 156
Home not good ; father dead ; mother works out ; hard working ; three children ; school girl sister looks after them ; pranks with others.

Case No. 157
Home comfortable ; mother separated from father ; boy lives with father who is a bad example ; boy was evacuated and at secondary school ; he is a spoilt boy ; did quite well at school though not quite normal mentally ; no control ; now being cared for by an aunt who has come to live with father ; attending commercial school.

Case No. 158
Home fairly good ; fairly good control ; boy was gambling which is believed to have been cause of trouble ; no other apparent cause.

Case No. 159
Home good ; mother had not much control over boy ; only child at home ; he led on others.

Case No. 160
Very good home ; only child ; parents decent but elderly ; mother deaf and boy plays on this defect ; control lax ; boy described as a ringleader.

Case No. 161
Home very bad ; stepfather is a heavy drinker and does not give mother enough to maintain family ; boy allowed to roam streets at night ; bad company.

Case No. 162
Home very bad ; boy said to be illegitimate ; boy delicate ; has never been to school but not likely to appear in Court again ; no control ; mother convicted of brothel keeping in 1943.

Case No. 163
Home good for locality ; mother dead ; boy is good lad ; went one night with others who committed offence and implicated him ; bad company the cause of lapse.

Case No. 164
Home fairly good ; clean and tidy ; seven in family ; father dead ; mother exercises all possible control ; reside in area where crime is prevalent amongst juveniles ; boy is of low mentality and easily led ; brother and sister have records.

Case No. 165
Home bad ; neglected, dirty and untidy ; four in family ; parental control lacking ; boy of low type, mentally and morally.

Case No. 166
Home poor and neglected ; parents bad influence and control lacking ; boy of low mentality.

Case No, 167
Home exceptional ; children want for nothing ; at secondary school ; appears to have led No. 168 into crime when staying from school without their parents' consent.

Case No. 168
As No. 167.

Case No, 169
Home poor ; six in family ; father is working in England ; control lacking ; boy appears to be a decent type but easily led.

Case No. 170
Home poor ; neglected and dirty ; mother away ; father tries to control family ; boy appears to be a determined criminal.

Case No. 171
Home poor ; father supports family but not adequately ; mother has part-time employment ; is unable to control family ; boy is sulky and headstrong ; eight in family.

Case No. 172
Home good and comfortable ; boy had been keeping bad company and wanted money to play billiards ; is now working and doing well.

Case No. 173
As No. 164.

Case No. 174
Home life bad ; no supervision ; father is dead ; mother is of loose morals ; two children are illegitimate ; brother has been convicted of larceny.

Case No. 175
Home life fairly good ; family of eleven ; parental control is lax ; boy had been keeping company with another boy who appeared to be the ringleader ; an elder sister has been convicted.

Case No. 176
Home life poor ; parental control is lacking ; an elder sister has been convicted.

Case No. 177
Home conditions fair ; father is unemployed and in bad health ; control lax ; boy frequents billiard halls and keeps bad company.

Case No. 178
Home comfortable and decent ; parents respectable ; boy is of likeable nature and does not realise the seriousness of his actions.

Case No. 179
Home comfortable and respectable ; mother dead ; appears to have been influenced by four older girls ; now under strict parental control and is doing well.

APPENDIX III.

Details of six cases out of a total of 179 cases of juvenile delinquency investigated during 1947.

Offender	Age	Offences	Period covered by offences	Others involved in the offences	Court Order	Previous Convictions	Result of previous Convictions	School record of Offender	Home conditions, etc.
Boy A	15½	11 Breaking and Entering 3 Attempted Entering 3 Larceny	17.3.47 to 11.7.47	Adults involved in 13 cases	Reformatory	1 Larceny 1 Larceny 1 House-breaking	P.O. Act Probation Officer's supervision for 1 year. Probation Officer's Supervision for 2 years	Before the Headmaster on several occasions for pilfering. Expelled because he was always making trouble and was a bad influence	Home conditions good ; parents respectable. The boy committed the July offences when he was alone in the house, the parents having gone on holidays. He spent the money he stole in billiard halls, fun fairs and in gambling. The boy "appears to have a mental kink."
Boy B	14	9 Breaking and Entering 2 Attempted Entering 2 Larceny	12.1.47 to 25.2.47	Adults involved in 8 cases	Reformatory	—	—	One of the worst boys the Headmaster ever met ; an inveterate liar; always getting other boys into trouble. Suspected T.B. case.	The home is described as comfortable but overcrowded. Parents very respectable people. Twelve children in the family.
Boy C	15½	9 Breaking and Entering 5 Attempted Entering	January, 1947	Adults involved in all the cases	Discharged on making restitution	1 Receiving 2 Malicious Damage	Probation Officer's supervision for 1 year. To pay compensation.	Clever and anxious to learn. Never gave any trouble at school.	Home poor. Eight children in the family. The boy is now working.
Boy D	15½	6 Breaking and Entering 4 Attempted Entering	January, 1947	Adults involved in all cases Associate of Boy C	Discharged on making restitution	—	—	Paid good attention to his studies. Never gave any trouble at school.	Home conditions good ; parents most industrious. It is considered that the boy was led astray by others ; he is now working.
Boy E	11	8 Breaking and Entering 2 Attempted Entering	August, 1947	Associate of Boy F	Industrial School	1 Attempted Breaking and Entering	Probation Officer's supervision for 1 year	Very bad school record ; caused trouble at every opportunity.	Poor home conditions ; father a drunkard. Parents suspected of being a party to the crimes.
Boy F	11½	8 Breaking and Entering 2 Attempted Entering	August, 1947	Associate of Boy E	Industrial School	—	—	Very easily led, and always getting into trouble. Made no effort to learn.	Home conditions bad ; no parental control since father was killed during the war. The boy is a persistent truant.

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APPENDIX IV.

Table showing Principal or Contributory Causes of Juvenile Crime in Belfast for Year 1947

No.	Principal or Contributing Causes	No. of Juveniles
1.	Lack of parental control	62
2.	Bad home conditions	55
3.	Led by other juveniles	45
4.	One or other parent always absent	37
5.	One parent dead	31
6.	Mother out working during day	30
7.	Juveniles left to own devices after school	23
8.	Mental or physical defect in parents	21
9.	Boyish escapades	21
10.	Loose morals in family	21
11.	Truancy	20
12.	Father in Forces	14
13.	Drunkenness in family	14
14.	Low mentality in offenders	13
15.	Under care of step-parent	10
16.	Gambling	9
17.	Parents separated	8
18.	Physical deficiency in offenders	5
19.	Excessive picture going	5
20.	Mother self-employed ; no time for children	3
21.	Both parents dead	3
22.	Illegitimacy	4

Note :—Some Juveniles come under several of these causes.

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APPENDIX V.

Summary of Indictable Offences in Belfast during the year ended 31st December, 1947 in which juveniles were involved

1.	Breaking and Entering	139
2.	Attempted Breaking and Entering	36
3.	Larceny	196
4.	Receiving stolen property	9
5.	Malicious damage	18
6.	Possessing Housebreaking tools	2
7.	Indecent assault	1
8.	Assault occasioning bodily harm	1
9.	Attempted suicide	1
	Total	403

Number of Juveniles

Number of Juveniles concerned in these offences	356
Number of Juveniles who were first offenders	127
Number of Juveniles previously dealt with under the Probation of Offenders Act	34
Number of Juveniles previously detained in Reformatory and Industrial Schools	2

Age Groups of Juveniles

Ages	Total Offenders
10 years or under	37
Over 10 years and under 12 years	69
Over 12 years and under 14 years	135
Over 14 years and under 16 years	115

Children and Young Persons under the age of 16 dealt with in Juvenile Courts and ordinary Petty Sessions Courts in Northern Ireland.

Indictable Offences	1939	1940	1941	1942	1943	1944	1945	1946
No. of Persons proceeded against :								
Under 14 years								
Boys	460	709	554	606	528	584	456	452
Girls	20	30	45	33	52	27	29	35
14 years and under 16								
Boys	275	447	335	339	370	275	279	239
Girls	15	26	23	21	44	30	39	21
Total	770	1,212	957	999	994	916	803	747

Non-indictable Offences	1939	1940	1941	1942	1943	1944	1945	1946
No. of Persons proceeded against :								
Under 14 years								
Boys	412	390	477	452	561	723	637	384
Girls	4	2	17	12	17	29	23	19
14 years and under 16								
Boys	620	488	468	524	574	728	763	578
Girls	18	17	14	24	46	54	39	27
Total	1,054	897	976	1,012	1,198	1,534	1,462	1,008

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APPENDIX VI.

Population of Reformatory and Industrial Schools

	Industrial Schools	Reformatories	*Voluntary Schools
31st December, 1938..	271	107	234
39..	267	108	237
40..	267	134	225
41..	287	165	222
42..	323	181	229
43..	341	166	238
44..	340	155	243
45..	330	124	237
46..	294	112	221
47..	296	87	224

* These figures relate to voluntary cases in those Schools certified as Reformatory and Industrial Schools under the 1908 Act.

APPENDIX VII.

Children under 10 years of age found destitute, wandering, etc., or being truants or being refractory, committed to Industrial Schools

No.	Year of Birth	Reason for Committal	Year admitted to School	Period of Detention (Years)
1	1932	Parent unfit to have care of child by reason of drunken or criminal habits	1937	11
2	1933	Non-attendance at school	1941	7
3	1933	Found destitute and parents, or surviving parent, undergoing imprisonment	1935	14
4	1933	Parent unfit to have control of child by reason of drunken or criminal habits	1939	10
5	1933	Found destitute and parent, or surviving parent, undergoing imprisonment	1942	7
6	1933	Refractory child	1942	7
7	1934	Found destitute and parent, or surviving parent, undergoing imprisonment	1935	15
8	1934	Parent unfit to have control of child by reason of drunken or criminal habits	1937	13
9	1934	do.	1942	8
10	1934	Non-attendance at school	1942	8
11	1935	do.	1943	8
12	1935	do.	1944	7
13	1935	do.	1944	7
14	1935	do.	1944	7
15	1935	do.	1944	7
16	1935	Found destitute and parent, or surviving parent, undergoing imprisonment	1939	10
17	1936	Non-attendance at school	1944	8
18	1936	Parent unfit to have control of child by reason of criminal or drunken habits	1945	3
19	1936	Non-attendance at school	1943	9
20	1936	do.	1945	7
21	1936	do.	1945	3
22	1936	do.	1946	6

APPENDIX VII—*continued.*

No.	Year of Birth	Reason for Committal	Year admitted to School	Period of Detention (Years)
23	1937	Parent unfit to have control of child by reason of criminal or drunken habits	1942	11
24	1937	do.	1945	3
25	1937	Refractory child	1942	11
26	1937	Found destitute and parent, or surviving parent, undergoing imprisonment	1943	10
27	1937	Non-attendance at school	1946	7
28	1937	do.	1947	6
29	1937	Found destitute and parent, or surviving parent, undergoing imprisonment	1939	12
30	1938	Parent unfit to have control of child by reason of criminal or drunken habits	1939	15
31	1938	Found wandering and not having a parent who exercises proper guardianship	1940	14
32	1938	Parent unfit to have control of child by reason of drunken or criminal habits	1947	7
33	1938	Non-attendance at school	1945	9
34	1938	Found begging	1945	9
35	1938	Found destitute and having parent, or surviving parent, undergoing imprisonment	1945	9
36	1939	Parents unfit to have control of child by reason of drunken or criminal habits	1941	14
37	1939	Found destitute and having parent, or surviving parent, undergoing imprisonment	1945	10
38	1942	Parents unfit to have control by reason of drunken or criminal habits	1947	11
39	1943	Found wandering and not having a parent who exercises proper supervision	1946	13
40	1943	do.	1946	13

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APPENDIX VIII.

The following are the grounds on which children were ordered, during the years 1939-1946, to be detained in Industrial Schools.

Grounds of Committal	Boys	Girls	Total
Non-compliance with School Attendance Orders ..	297	42	339
Begging, etc.	3	—	3
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	14	14	28
Found wandering and having a parent or guardian who does not exercise proper guardianship	11	4	15
Under care of parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of child	19	13	32
Child residing in a house in circumstances calculated to encourage or favour prostitution	—	1	1
Child under age of 12, charged with an offence punishable in the case of an adult by imprisonment ..	123	9	132
Child over the age of 12 but under 14 charged with an offence punishable in the case of an adult by imprisonment	88	6	94
A child uncontrollable by parents	7	2	9
A refractory child in workhouse	2	—	2
Transferred from Reformatory School by order of the Minister of Home Affairs for Northern Ireland ..	—	1	1
Totals	564	92	656

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1950. Chapter 5.

An Act to repeal and re-enact with amendments certain enactments relating to children and young persons, to make further and better provision with respect to children and young persons, and for purposes connected with the matters aforesaid. [14th February, 1950.]

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 :—

PART I.—CHILD LIFE PROTECTION.

Application of this Part of this Act.

1.—(1) This Part of this Act shall have effect with respect to—

(*a*) children under compulsory school age ; and

(*b*) children of compulsory school age ;

and where any of the provisions thereof apply in respect of a child at the time when he ceases to be of compulsory school age, those provisions shall continue to apply in respect of him—

(i) until the time when he attains the age of eighteen or ceases to live apart from his parents with the person with whom he was living when he ceased to be of compulsory school age ;

(ii) if while living as aforesaid he dies before attaining the age of eighteen, as respects the notice to be given under the said provisions on his death.

(2) This Part of this Act shall not have effect with respect to—

(*a*) any child or young person on whom a requirement as to residence is imposed by a supervision order or a probation order ; or

(*b*) any child in the care of a welfare authority under this Act ; or

(*c*) any child boarded out by the managers of a training school ; or

(*d*) any child in respect of whom a fit person order has been made under Part III of this Act.

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(3) The provisions of this Part of this Act shall not extend—

(*a*) to any relative or legal guardian of a child who undertakes the nursing and maintenance of the child ;

(*b*) to any school within the meaning of the Education Act (Northern Ireland), 1947 ; 1947, c. 3.

(*c*) to any hospital or other institution maintained under or by virtue of any provision of the Health Services Acts (Northern Ireland), 1948, or to the removal of any child to any such institution ;

(*d*) to any institution established for the protection and care and maintenance of children and conducted in good faith for religious, philanthropic or charitable purposes, but only in so far as children are maintained therein.

Restriction upon the receiving of children.

2.—(1) A person who intends to hand over any child to another person with a view to the nursing and maintenance of such child by that other person shall give to the welfare authority for the area in which the child is to reside a notice containing the particulars required by sub-section (4) of this section.

(2) A person shall not undertake (whether for reward or otherwise) the nursing and maintenance of any child or children apart from their parents or having no parents unless—

(*a*) seven days at least before the reception by him of any such child he gives to the appropriate welfare authority notice in writing of his intention so to do containing the particulars required by sub-section (4) of this section ; and

(*b*) he has obtained the written sanction of the welfare authority in respect of each child whose nursing and maintenance he intends to undertake.

(3) Where at the date of commencement of this Part of this Act a child apart from his parents or having no parents is being nursed or maintained by any person (whether for reward or otherwise) it shall be the duty of that person to give, within six months from the said date, to the welfare authority for the area in which the child is residing a notice containing the particulars required by the next succeeding sub-section :

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Provided that this sub-section shall not apply where the written sanction of the appropriate authority has been obtained to the nursing and maintenance of the child under section one of the Act of 1908, as amended by section one of the Children (Amendment) Act (Northern Ireland), 1931.

8 Edw. 7, c. 67.
21&22Geo. 5, c. 5.

(4) The notice to be given under any of the foregoing provisions of this section shall state—

(*a*) the name, sex, and date and place of birth of the child ;

(*b*) the names of the parents and, if they are living, their addresses ;

(*c*) if the parents are dead, the date and place of death, if known ;

(*d*) the dwelling within which the child is to be kept ;

and in addition, the notice required by sub-section (1) shall state the name and address of the person by whom the child is to be received ; the notice required by sub-section (2) shall state the name and address of the person from whom the child is to be received ; and the notice required by sub-section (3) shall state the name and address of the person from whom such child was received.

(5) If a person who has undertaken the nursing and maintenance of any such child intends to change his residence, he shall, seven days at least before any such change is made, give to the welfare authority notice in writing of the change, and, where the residence to which he intends to remove is situate in the area of another welfare authority, he shall give to that other welfare authority as respects each such child in his care the like notice as is required to be given by sub-section (2) of this section.

(6) If any such child is removed from the care of the person who has undertaken his nursing and maintenance, both that person and the person who intends to receive any such child on removal shall, seven days at least before the removal, give notice in writing thereof to the welfare authority.

(7) If any such child dies while in the care of a person who has undertaken its nursing and maintenance, that person shall within forty-eight hours thereof give to the welfare authority notice in writing of the death.

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(8) If any person acts in contravention of the provisions of sub-section (2) of this section, or, if 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. Where any child in respect of whom notice ought to have been given was a child for whose nursing and maintenance the consideration 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 child 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 for the payment of a penal sum.

Restriction upon the day nursing of children.

3.—(1) A person shall not habitually undertake the day nursing whether or not for reward of any child or children unless he has obtained from the welfare authority written sanction for the day nursing of children.

For the purposes of this Part of this Act the expression "day nursing" means the care and custody of a child elsewhere than in the home of the parent or guardian of the child during the hours of employment of such parent or guardian; and the expression "day nurse" shall be construed accordingly.

(2) If any person acts in contravention of the provisions of this section he shall be guilty of an offence under this Part of this Act.

Inspection, etc.

4.—(1) It shall be the duty of each welfare authority to provide for the carrying out of this Part of this Act within their area, and for that purpose they shall from time to time make inquiry whether there are any persons residing therein—

(*a*) who undertake the nursing and maintenance of children in respect of whom notice is required under section two of this Act;

(*b*) who undertake the day nursing of children.

(2) If in the area of any welfare authority any such persons are found as are referred to in the preceding sub-section, the welfare authority shall appoint one or more than one of their officers to be a child protection

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visitor or visitors; and it shall be the duty of a child protection visitor to visit from time to time any children—

(*a*) referred to in any notice given under this Part of this Act; or

(*b*) in the care and custody of a day nurse;

and the premises in which they are kept or day nursed, in order to satisfy himself that the premises are suitable and that the children are being given proper nursing, maintenance, care and attention, and to give any necessary advice or directions with respect to their welfare.

(3) A welfare authority may exempt from being visited, either unconditionally or subject to such conditions as they think fit, any particular premises within their area which appear to them to be so conducted as to render their visitation unnecessary.

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

(5) If any such visitor is refused admittance to any premises in contravention of this Part of this Act, or has reason to believe that any children are being kept in any house or premises in contravention of this Part of this Act, he may apply to a justice of the peace 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, is being or is about to be committed, may grant a warrant authorising the visitor to enter the premises for the purpose of ascertaining whether any offence under this Part of this Act has been, is being or is about to be committed, and, if the occupier of the premises or any other person obstructs or causes or procures to be obstructed any visitor acting in pursuance of such a warrant, he shall be guilty of an offence under this Part of this Act.

Regulation of number of children to be kept.

5. A welfare authority may fix the number of children which may be kept—

(*a*) in any dwelling in respect of which a notice has been received under this Part of this Act;

(*b*) by any day nurse;

and any person who so keeps any child in excess of the number so fixed shall be guilty of an offence under this Part of this Act.

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Provisions as to children improperly kept, etc.

6.—(1) If any child in respect of whom 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 in any environment detrimental to children ; or

(*b*) by any person who, by reason of negligence, ignorance, inebriety, immorality, criminal conduct, mental or bodily disease or infirmity or other incapacity, or of being of such habits or mode of life is unfit to have care of him ; or

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

any child protection visitor may apply to a justice of the peace for an order directing him to remove the child to a place of safety until he can be restored to his relatives or be otherwise lawfully disposed of and the justice of the peace shall have power to make such order.

(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 in the execution thereof, shall be guilty of an offence under this Part of this Act ; and the order may be enforced by the visitor or by any constable.

(3) If at any time day nursing is carried on—

(*a*) by any person in any premises which are overcrowded, dangerous or insanitary or in any environment detrimental to children ; or

(*b*) by any person who, by reason of negligence, ignorance, inebriety, immorality, criminal conduct, mental or bodily disease or infirmity or other incapacity, or of being of such habits or mode of life is, in the opinion of the welfare authority, unfit to carry on day nursing ;

or if any person by whom day nursing is carried on refuses to allow any child protection visitor to visit the premises for the purposes of this Act, the welfare authority may withdraw any sanction granted to that person to carry on day nursing.

Notice to coroner.

7.—(1) In the event of the death of any child respecting whom notice is required to be given under this Part of this Act, the person who had the care of the child shall, within twenty-four hours of the death, give notice

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in writing thereof to the coroner of the district within which the body of the child lies, and the coroner shall hold an inquest thereon, unless a certificate is produced to him under the hand of a registered medical practitioner who therein certifies that he has personally attended the child during his last illness, and specifies the cause of death, and the coroner is satisfied that there is no ground for holding an inquest.

(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.

(3) Nothing in this section shall prejudice the operation of sub-section (7) of section two of this Act (which requires notice of the death of certain children to be given to a welfare authority).

Avoidance of policies of life insurance of certain children. 14 Geo. 3, c. 48. 29 & 30 Vict., c. 42.

8. A person by whom a child in respect of whom 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, as extended to Ireland by the Life Insurance (Ireland) Act, 1866, and if any such person directly or indirectly insures or attempts to insure the life of such a child, he shall be guilty of an offence under this Part of this Act; and if an assurance company within the meaning of the Assurance Companies Acts (Northern Ireland), 1909 to 1947, 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 a child, the company, society, or person shall be guilty of an offence under this Part of this Act:

Provided that a policy of insurance effected upon the life of a child before, and valid at the passing of, this Act shall not be invalidated by any provision of this Part of this Act.

Notices.

9. Every notice by this Part of this Act required to be given may be sent by post in a registered letter addressed to the secretary to the welfare authority or in the case of a notice to a coroner to the coroner, or may be delivered at the office of the welfare authority or, in the case of a notice to a coroner, at his office or residence

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Prosecution of offences.

10. 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 fifty pounds or to both such imprisonment and such fine, and the court may order any child in respect of whom the offence was committed to be removed to a place of safety.

PART II.—PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.

Miscellaneous Offences in relation to Children and Young Persons.

Cruelty to persons under sixteen.

11.—(1) If any person who has attained the age of sixteen and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to 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 misdemeanour, and shall be liable—

(*a*) on conviction on indictment, to a fine not exceeding one hundred pounds or to imprisonment for any term not exceeding two years, or to both such fine and such imprisonment;

(*b*) on summary conviction, to a fine not exceeding twenty-five pounds or to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment.

(2) For the purposes of this section—

(*a*) 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 has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the Health Services Acts (Northern Ireland), 1948, the National Assistance Act (Northern Ireland), 1948, or the Welfare Services Act (Northern Ireland), 1949;

1948, c. 13.

1949, c. 1.

(*b*) where it is proved that the death of an infant under three years of age was caused by suffoca-

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tion (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, whilst in bed, under the influence of intoxicating liquor, be deemed to have neglected the infant in a manner likely to cause injury to its health.

(3) A person may be convicted of an offence under this section—

(*a*) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person ;

(*b*) notwithstanding the death of the child or young person in question.

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

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

(*a*) If he was convicted on indictment, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years ; and

(*b*) if he was summarily convicted, 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.

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(6) For the purposes of the last preceding subsection :—

(*a*) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable ; and

(*b*) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been 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.

(7) Nothing in this section shall be construed as affecting 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 him.

Causing or encouraging seduction or prostitution of girl under seventeen.

12.—(1) If any person having the custody, charge, or care of a girl under the age of seventeen causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon her, he shall be guilty of a misdemeanour and shall be liable to imprisonment for any term not exceeding two years.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge of, or the commission of an indecent assault upon or prostitution of, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

48 & 49 Vict., c. 69.

(3) Nothing in this section shall affect the liability of a person to be indicted under section two, section three or section six of the Criminal Law Amendment Act, 1885 (as amended by this Act) but upon the trial of a person under any of those sections it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

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Amendment of 48 & 49 Vict., c. 69, sections 4, 5, 6, 10 and 12.

13.—(1) The Criminal Law Amendment Act, 1885, shall have effect subject to the provisions of this section.

(2) In sections four, five and six of the said Act (which relate to certain offences against girls) for any reference to the age of thirteen years there shall be substituted a reference to the age of fourteen years.

(3) In the said sections five and six, in section ten of the said Act (which relates to the suspected detention of a woman or girl for immoral purposes) and in section twelve thereof (which provides for the custody of girls in certain circumstances) for any reference to the age of sixteen years there shall be substituted a reference to the age of seventeen years.

(4) References to the said Act of 1885 in any other enactment whether passed before or after the passing of this Act shall unless the contrary intention appears be construed as references to the said Act of 1885 as amended by this section.

Allowing children or young persons to be in brothels.

14.—(1) If any person having the custody, charge or care of a child who has attained the age of four, or of a young person, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment or on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for any term not exceeding six months, or to both such fine and such imprisonment.

(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 (as amended by this Act) but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Causing or allowing persons under sixteen to be used for begging.

15.—(1) If any person causes or procures any child or young person under the age of sixteen or, having the custody, charge, or care of such a child or young person allows him 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) he shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds or to imprisonment for any term not exceeding three months, or to both such fine and such imprisonment.

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(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.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

Giving intoxicating liquor to children.

16. If any person gives, or causes to be given, to any child any intoxicating liquor, except upon the order of a registered medical practitioner or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding ten pounds.

Causing or allowing children to be in bars of licensed premises.

17.—(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 during the permitted hours.

(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 during the permitted hours, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, five pounds, and in respect of any subsequent offence, ten pounds.

(3) If a child is found in the bar of any licensed premises during the permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he had used due diligence to prevent the child from being admitted to the bar or that the child had apparently attained the age of fourteen.

(4) Nothing in this section shall apply with respect to any child who is—

(*a*) a child of the licence holder ; or

(*b*) resident but not employed in the licensed premises ; or

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(*c*) in the bar of licensed premises solely for the purpose of passing to or from some other part of the premises, being a part to or from which there is no other convenient means of access or egress and not being itself a bar ; or

(*d*) in any 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 expression " bar " in relation to any 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 meanings as in the Intoxicating Liquor Act (Northern Ireland), 1923 and the Intoxicating Liquor and Licensing Act (Northern Ireland), 1927, and the expression " permitted hours " means the hours during which under those enactments or any other enactment for the time being in force intoxicating liquor may be sold on licensed premises.

13&14 Geo. 5, c. 12.
17&18 Geo. 5, c. 21.

Taking pawns from persons under sixteen.

18. Any pawnbroker who takes an article in pawn from any person apparently under the age of sixteen, whether offered by that person on his own behalf or on behalf of any other person, shall be liable on summary conviction to a fine not exceeding ten pounds.

Restriction on transactions of general dealers. 3 Edw. 7, c. 44.

19. Section eight of the General Dealers (Ireland) Act, 1903 (which prohibits general dealers from selling to or purchasing from persons apparently under the age of fourteen years) shall have effect as if for the words " fourteen years " there were substituted the words " sixteen years."

Vagrants preventing children from receiving education.

20.—(1) If a person habitually wanders from place to place and takes with him—

(*a*) any child who has attained the age of five ; or

(*b*) any young person who has not attained the upper limit of compulsory school age ;

he shall unless he proves that the child or young person is not, by being so taken with him, prevented from receiving efficient full-time education suitable to his age, ability and aptitude, be liable on summary conviction to a fine not exceeding two pounds.

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(2) Any constable who finds a person wandering from place to place and taking a child or young person 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 or young person to a place of safety in accordance with the provisions of this Act.

(3) Where in any proceedings for an offence against this section it is proved that the parent or guardian of the child or young person is engaged in any trade or business of such a nature as to require him to travel from place to place, the person against whom the proceedings were brought shall be acquitted if it is proved that the child or young person has attended a school at which he was a registered pupil as regularly as the nature of the trade or business of the parent or guardian permits :

Provided that with respect to a child or young person who has attained the age of six the person against whom the proceedings were brought shall not be entitled to be acquitted under this sub-section unless he proves that the child has made at least one hundred attendances during the period of twelve months ending with the date on which the proceedings were instituted.

(4) The power of the Ministry of Education to make regulations under the enactments relating to education shall include a power to make regulations as to the issue of certificates of attendance for the purpose of the last preceding sub-section.

Exposing children under seven to risk of burning.

21. If any person who has attained the age of sixteen, having the custody, charge or care of any child under the age of seven, allows the child to be in any room containing an open fire not sufficiently protected to guard against the risk of his 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 neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

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Entertainments and performances.

Failing to provide for safety of children at entertainments.

22.—(1) Where there is provided in any premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing 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 the premises, or to any part thereof, than the premises or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the premises or any part thereof, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier of any premises permits, for hire or reward, the premises 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 respect of a first offence fifty pounds, and in respect of a second or subsequent offence one hundred pounds, and also, if the premises in which the entertainment is given are licensed under the Cinematograph Act, 1909, or under any of the enactments relating to the licensing of theatres or other premises used for public entertainment, the licence shall be liable to be revoked by the authority by whom the licence was granted.

9 Edw. 7, c. 30.

(4) A constable may enter any premises 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 or are about to be carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last preceding sub-section shall have the like power of entering any premises so licensed by that authority.

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

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Restrictions on children taking part in entertainments.

23.—(1) Subject to the provisions of this section, a child shall not, except under and in accordance with the provisions of a licence granted and in force thereunder, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience ; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall, on summary conviction, be liable to a fine not exceeding five pounds or, in respect of a second or subsequent offence, not exceeding twenty pounds.

(2) Subject as hereafter in this section provided and without prejudice to the provisions of any enactment for the time being in force with respect to the employment of children, a licence under this section shall not be necessary for a child to take part in an entertainment if—

(*a*) he has not during the preceding six months taken part on more than six occasions in entertainments in connection with which any such charge as aforesaid was made ; and

(*b*) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters :

Provided that this sub-section shall not apply in respect of an entertainment given in premises which are licensed for the sale of any intoxicating liquor unless either—

(i) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing ; or

(ii) special authority for the child to take part in the entertainment has been granted in writing under the hand of a resident magistrate.

(3) Subject to such restrictions and conditions as may be prescribed by rules made by the Ministry of Education, a local education authority may grant a licence for a child who has attained the age of twelve and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area :

Provided that—

(*a*) no licence shall be granted unless the local education authority are satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper

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provision has been made to secure his health and welfare; and

(*b*) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(4) A licence granted under this section shall specify the times, if any, during which the child to which the licence relates may be absent from school for the purposes authorised by the licence.

(5) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the local education authority within whose area the entertainment is to take place particulars of the licence and such other information as the Ministry of Education may by rules prescribe and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) Subject to any restrictions and conditions prescribed by rules made by the Ministry of Education, any licence under this section may at the request of the holder of the licence be varied or extended by the local education authority by whom it was granted. If any restriction or condition contained in any licence under this section is not observed, the licence may be revoked by any local education authority within whose area any entertainment to which it relates has taken or is about to take place.

(7) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of a local education authority, he may appeal to the Ministry of Education, who shall thereupon give such directions with respect to the licence as it may think fit.

Prohibition against persons under sixteen taking part in performances endangering life or limb.

24. No person under the age of sixteen shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance, shall be liable on summary conviction to a fine not exceeding ten pounds or, in respect of a second or subsequent offence, not exceeding fifty pounds.

Restrictions on training for perform-

25.—(1) No person under the age of twelve shall be trained to take part in performances of a dangerous

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ances of a dangerous uature.

nature, and no person under the age of sixteen shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in respect of a second or subsequent offence, not exceeding twenty pounds.

(2) A court of summary jurisdiction may grant a licence for a person who has attained the age of twelve but is under the age of sixteen to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the district inspector of police for the district in which the person is, in accordance with the provisions of the licence, to be trained, and that inspector may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and welfare.

(5) A licence under this section may, on cause being shown by any person, be revoked by a court which would have had jurisdiction to grant it.

(6) For the purposes of this section the expression "performances of a dangerous nature" includes all acrobatic performances and all performances as a contortionist.

Powers of entry.

26.—(1) If it is made to appear to a justice of the peace by the local education authority or by any constable that there is reasonable cause to believe that the pro-

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visions of the last three preceding sections of this Act or of any rules made or licences granted thereunder are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the local education authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local education authority or any constable may at any time during the currency of a licence granted under section twenty-three or section twenty-five of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer, or answers falsely, any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Savings.

27.—(1) The provisions of this Part of this Act imposing restrictions on the taking part by children in entertainments, shall not apply in relation to a person who has attained the age of twelve taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

(2) The said provisions shall not affect the provisions of Part I of the Education Act (Northern Ireland), 1947, with respect to school attendance.

(3) The said provisions shall not apply to a person detained in a training school.

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Special Provisions as to Prosecutions for Offences specified in First Schedule.

Power to take offenders into custody.

28.—(1) Any constable may take into custody, without warrant—

(*a*) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and place of residence;

(*b*) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Act, if the constable has reasonable ground for believing that that person will abscond or does not know and cannot ascertain his name and place of residence.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the police officer or other person for the time being in charge of the constabulary station to which the person is brought, shall, unless in his belief the release on bail of the person arrested 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 such police officer, or other person in charge as aforesaid, be required to secure his attendance upon the hearing of the charge.

14 & 15 Vict., c. 93.

(3) Any such recognizance as aforesaid may be enforced in the same manner as a recognizance to appear before a justice of the peace may be enforced under the provisions of section thirty-four of the Petty Sessions (Ireland) Act, 1851.

Mode of charging offences and limitation of time.

29.—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect—

(*a*) of two or more children;

(*b*) of a child together with one or more than one young person;

(*c*) of two or more young persons;

(*d*) of a young person together with one or more than one child; or

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(*e*) of two or more children together with two or more 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, if he is summarily convicted, be liable to a separate penalty in respect of 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 those 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, if he is summarily convicted, be liable to a separate penalty for each.

(3) A person shall not be summarily convicted 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 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 dates of the acts constituting the offence.

Evidence of husband or wife of accused person. 13&14 Geo. 5, c. 9.

30. As respects proceedings against any person for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act (Northern Ireland), 1923, shall apply as if the First Schedule to that Act included references to those offences.

Restrictions on indictment for misdemeanours under this Part of this Act. 1945, c. 15.

31. Section twenty-four of the Criminal Justice Act (Northern Ireland), 1945 (which imposed restrictions on indictment for the offences specified in the Third Schedule to that Act) shall apply to any misdemeanour under this Part of this Act as it applies to an offence specified in the said Third Schedule, and accordingly for the words "any misdemeanour under Part II of the

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Children Act, 1908," where they occur in the said Third Schedule there shall be substituted the words "any misdemeanour (not being a misdemeanour punishable solely on summary conviction) under Part II of the Children and Young Persons Act (Northern Ireland), 1950."

Interpretation of Part II.

32. 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 him shall be presumed to have the custody of him, and as between father and mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person;

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

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

PART III.—PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.

General Provisions as to Preliminary Proceedings.

Separation of children and young persons from adults in constabulary stations, courts, etc.

33. Arrangements shall be made for preventing a child or young person while detained in a constabulary station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and for ensuring that so far as practicable a girl (being a child or young person) shall while so detained, being conveyed, or waiting, be under the care of a woman.

Bail or detention of children and young persons arrested.

34.—(1) Where a person apparently under the age of seventeen is taken into custody for an offence with or without warrant and cannot forthwith be brought

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before a court of summary jurisdiction, a police officer or other person for the time being in charge of the constabulary station to which he is brought, shall inquire into the case, and may release him on a recognizance being entered into by him or his parent or guardian (with or without sureties) for a reasonable amount to appear upon the hearing of the charge at the time and place named in the recognizance, and shall so release him unless

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

(*b*) it is necessary in his interest to remove the person from association with any reputed criminal or prostitute; or

(*c*) such officer or other person in charge as aforesaid has reason to believe that his release would defeat the ends of justice;

and any such recognizance as aforesaid may be taken before such officer or other person, and the time to be named therein shall be a day not later than the date of the next sitting of the court of summary jurisdiction which will hear the charge.

(2) Any such recognizance as aforesaid may be enforced in the same manner as a recognizance to appear before a justice of the peace may be enforced under the provisions of section thirty-four of the Petty Sessions (Ireland) Act, 1851.

(3) Where a person apparently under the age of seventeen having been taken into custody is not so released as aforesaid, the officer or other person in charge as aforesaid shall cause him to be detained in a remand home until he can be brought before a court of summary jurisdiction, unless such officer or other person certifies—

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

(*b*) that he is of so unruly a character that he cannot safely be 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 he is brought.

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Remand or committal to custody in remand homes.

35.—(1) Any court, 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 remand home named in the order for committal, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law :

Provided that—

(*a*) it shall not be obligatory on the court so to commit a young person in respect of whom the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained ; and

(*b*) nothing in this sub-section shall affect any power of a court of summary jurisdiction under section ten of the Criminal Justice Administration Act, 1914, to commit a person who has attained the age of sixteen to prison until the next assizes or quarter sessions with a view to his being sentenced to detention in a Borstal institution.

4 & 5 Geo. 5, c. 58.

(2) An order for committal under this section may be varied, or, in respect of a young person who proves to be of so unruly a character that he cannot safely be 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 the court which made the order, or if application cannot conveniently be made to that court, by any other court of summary jurisdiction and if it is revoked the young person may be committed to prison.

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

36.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, 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.

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(2) Where a child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or any police officer or other person for the time being in charge of the constabulary station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, 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 and, if the parent or guardian fails or neglects without reasonable excuse so to attend, the said court may issue a warrant to compel the attendance of the parent or guardian and may adjourn the hearing of the case to such day as the court thinks fit.

(3) 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.

(4) 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.

Notices of charges against and applications relating to children and young persons.

37.—(1) Where a child or young person is to be brought—

(*a*) before a court of summary jurisdiction in respect of an offence alleged to have been committed by him ; or

(*b*) before a juvenile court as being in need of care or protection ;

the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court—

(i) to the probation officer, or one of the probation officers, for the petty sessions district in which the court will sit ; and

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(ii) except where the child or young person is brought before the court by a welfare authority, to the welfare authority in whose area the child or young person is resident, or, if it is not known where he is resident, to any welfare authority in whose area the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen.

For the purposes of this sub-section the expression " responsible person " means, in a case where the child or young person is charged with an offence, the person at the prosecution of whom the charge is brought, and in any other case, the person bringing the child or young person before the court.

(2) A welfare authority who have received a notification under the last preceding sub-section, and a welfare or other local authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as being in need of care or protection shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, physical and mental health, and character of the child or young person and, in proper cases, as to available training schools, as appears to them to be likely to assist the court :

Provided that a welfare authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty sessions district in which arrangements have been made for such investigations to be made by a probation officer.

General Provisions as to Proceedings in Court.

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

38. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice ; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed.

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

39.—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may 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 that witness.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

Evidence of child of tender years.

40.—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section fourteen of the Petty Sessions (Ireland) Act, 1851, as amended by section fourteen of the Criminal Justice Act (Northern Ireland), 1945, or of this Part of this Act, shall be deemed to be a deposition within the meaning of those provisions:

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

Power to prohibit publication of certain matter in newspapers.

41.—(1) In relation to any proceedings in any court which arise out of any offence against, or any conduct contrary to, decency or morality, the court may direct that—

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(*a*) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein ;

(*b*) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid ;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

Special Procedure with regard to Offences specified in First Schedule.

Warrant to search for or remove a child or young person.

42.—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting 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 him unnecessary suffering or injury to health ; or

(*b*) that any one of the offences mentioned in the First Schedule to this Act has been, is being or is about to be committed in respect of the child or young person ;

the justice may issue a warrant authorising any constable named therein to search for the 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, is being or is about to be committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court, or authorising any constable to remove

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him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

(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 him 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 him 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 that person so desires, 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 registered medical practitioner.

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

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

43. Where in any proceedings with relation to 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 proceeded with and determined in the absence of the child or young person.

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

44.—(1) Where a justice of the peace is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe

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the deposition and add thereto a statement of his reason for taking it and of the day when and place where it 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 court before which proceedings are pending in respect of the offence.

Admission of deposition of child or young person in evidence.

45. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a registered 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 his life or health, any deposition of the child or young person taken under the Petty Sessions (Ireland) Act, 1851, as amended by the Criminal Justice Act (Northern Ireland), 1945, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to have been taken:

Provided that the deposition shall not be admissible in evidence either for or against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon the person (whether prosecutor or accused) against whom it is proposed to be given in evidence and that he 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.

Principles to be observed by all Courts in dealing with Children and Young Persons.

General considerations.

46.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise,

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shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

(2) A court shall not order a child under the age of ten years to be sent to a training school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

Juvenile Courts.

Constitution of juvenile courts.

47. Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule to this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be courts of summary jurisdiction.

Assignment of certain matters to juvenile courts.

48.—(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court :

Provided that—

(*a*) a charge made jointly against a child or young person and a person who has attained the age of seventeen shall be heard by a court of summary jurisdiction other than a juvenile court ; and

(*b*) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence ; and

(*c*) where a person who has attained the age of seventeen is charged with an offence, and a child or young person is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence,

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the charge shall be heard by a court of summary jurisdiction which is not a juvenile court, and

(*d*) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this sub-section shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any justice to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

(3) The Lord Chief Justice of Northern Ireland may by rules assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons, being applications cognizable by justices or courts of summary jurisdiction, if, in his opinion, it is desirable in the interests of the children and young persons concerned that such applications should be heard by juvenile courts.

For the purposes of this sub-section, any complaint under any provision of sections thirty-five to thirty-eight of the Education Act (Northern Ireland), 1947 (which relate to compulsory attendance at school) shall be deemed to be an application for an order relating to a child.

(4) Section thirty-eight of the Education Act (Northern Ireland), 1947, shall have effect as if in sub-section (3) thereof—

(*a*) the reference to a court of summary jurisdiction were a reference to a juvenile court; and

(*b*) as if for paragraphs (*a*), (*b*) and (*c*) thereof there were substituted the following:—

"make any order which a court of summary jurisdiction has power to make under section sixty-three of the Children and Young Persons Act (Northern Ireland), 1950."

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(5) For the purposes of this Act any child with respect to whom a direction has been given under the said section thirty-eight, as amended by the last preceding sub-section, that he be brought before a juvenile court shall be deemed to be a child about to be brought or brought before such a court under section sixty-three of this Act and any order made by a juvenile court under the said section thirty-eight as so amended shall be deemed to be an order made under the said section sixty-three of this Act and the provisions of this Act shall have effect accordingly but subject to the modification that in relation to any such child sub-section (1) of section seventy of this Act shall have effect as if the words " A constable or " were omitted therefrom.

(6) Sub-section (5) of the said section thirty-eight shall cease to have effect.

Procedure in juvenile courts.

49.—(1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other enactment for the time being in force.

(2) A juvenile court shall, subject as hereinafter provided, sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days or at different times from those on which sittings of such other courts are held; and no person shall be present at any sitting of a juvenile court except—

(*a*) members and officers of the court;
(*b*) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
(*c*) *bona fide* representatives of newspapers or news agencies;
(*d*) such other persons as the court may specially authorise to be present.

(3) The Lord Chief Justice may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts (Northern Ireland) and of the Acts relating to indictable offences as regulate procedure shall have effect subject to any rules so made.

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Miscellaneous provisions as to powers of juvenile courts.

50.—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

(2) The attainment of the age of seventeen by a probationer, or a person in respect of whom an order for conditional discharge has been made, shall not deprive a juvenile court of jurisdiction either to enforce his attendance and deal with him in respect of any failure to comply with the requirements of the probation order or the commission of a further offence, or to amend or discharge the probation order.

(3) Where a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessions district or place—

(*a*) may in his absence extend the period for which he is remanded, so, however, that he shall be brought before a court of summary jurisdiction or a resident magistrate sitting out of petty sessions at least once in every twenty-one days;

(*b*) when the required information has been obtained, may deal with him finally.

Restrictions on newspaper reports of proceedings in juvenile courts.

51.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Provided that the court or the Ministry may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

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(2) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

Juvenile Offenders.

Age of criminal responsibility.

52. It shall be conclusively presumed that no child under the age of eight can be guilty of any offence.

Removal of disqualifications attaching to felony.

53. No conviction or finding of guilty of a child or young person shall be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

Restrictions on punishment of children and young persons.

54.—(1) Notwithstanding anything contained in this Act or in any other enactment it shall not be lawful for a court of summary jurisdiction to impose a fine exceeding, in the case of a child, forty shillings or, in the case of a young person, ten pounds.

(2) 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.

(3) A child shall not be ordered to be imprisoned or be sent to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages, or costs.

(4) A young person shall not be sent to penal servitude for any offence.

(5) A young person shall not be ordered to be imprisoned for an offence, or be committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or that he is of so depraved a character that he is not a fit person to be so detained.

(6) A child or young person shall not be sentenced by any court to whipping; and so far as any enactment confers on any court power to pass on a child or young person a sentence of whipping it shall cease to have effect.

Punishment of certain grave crimes.

55.—(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen, but in lieu thereof the court shall sentence him to be

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detained during the pleasure of the Governor of Northern Ireland, 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 Minister may direct.

(2) 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, or where a young person is so convicted of rape or attempted rape, and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been 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 Minister may direct.

(3) A person detained pursuant to the directions of the Minister under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Minister on licence.

Such a licence may be in such form and may contain such conditions as the Minister may direct, and may at any time be revoked or varied by the Minister.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Minister may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Substitution of custody in remand home for imprisonment.

56. Where a child or young person is found guilty of an offence punishable in the case of an adult with penal servitude or imprisonment, or where a child or young person would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, the court may, if it considers that none of the other methods in which the case may legally be dealt with is suitable, order that he be committed to custody in a remand home named in the order for such term as may be specified in the order, not exceeding the term for which

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he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding one month.

Power to order parent to pay fine, etc., instead of child or young person.

57.—(1) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs may be imposed, if 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) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) 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.

(4) Any sums ordered under this section, or on forfeiture of any such security as aforesaid, to be paid by a parent or guardian 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.

(5) 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 (Northern Ireland) Act, 1930, 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.

20&21 Geo. 5, c. 45.

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Power of other courts to remit juvenile offenders to juvenile courts.

58.—(1) Any court by or before which a child or young person is found guilty of an offence other than homicide, may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under the last preceding sub-section, but nothing in this section shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

Power to send juvenile offenders to training schools or to commit them to fit persons.

59.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of this or any other Act, have power—

(*a*) to order him to be sent to a training school;

(*b*) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation Act (Northern Ireland), 1950.

1950, c. 7

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Power of Minister to send certain juvenile offenders to training schools.

60. The Minister may by order direct that—

(*a*) a person who is under the age of eighteen and is undergoing detention in a Borstal institution ; or

(*b*) a child or young person with respect to whom he is authorised to give directions under sub-section (2) of section fifty-five of this Act ; or

(*c*) a young person who has been ordered to be imprisoned and has been pardoned by the Governor of Northern Ireland on condition of his agreeing to undergo training in a school ;

shall be transferred or sent to and detained in a training school specified in the order ; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order :

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Minister attain the age of nineteen nor later—

(i) in the case of a person who was sentenced to detention under the said sub-section (2), than the date on which his detention would have expired ;

(ii) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run ; or

(iii) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein.

Summary trial of indictable offences.

61.—(1) Where a court of summary jurisdiction before which a child or young person is charged with any indictable offence other than homicide thinks it expedient so to do, and where the parent or guardian of the child or, as the case may be, where the young person so charged on being informed by the court of his right to have the case tried by a jury consents to the case being dealt with summarily, the court may deal summarily with the offence and may on conviction inflict any such punishment as might have been inflicted if the case had been tried on indictment, or may impose a fine of such amount as the court may, subject to the provisions of sub-section (1) of section fifty-four of this Act, think fit.

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(2) For the purpose of a proceeding under this section, the court, when it becomes satisfied that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to such parent or guardian or as the case may be to such young person, and shall then address to him a question to the following effect : " Do you desire the case to be tried by a jury, or do you consent to the case being dealt with summarily ? " with a statement, if the court thinks such statement desirable for the information of the person to whom the question is addressed, of the meaning of the case being dealt with summarily and of the assizes or quarter sessions, as the case may be, at which the case will be tried, if tried by a jury.

(3) Where the parent or guardian of a child is not present when the child is charged with an indictable offence before a court of summary jurisdiction, the court may, if it thinks it just so to do, remand the child for the purpose of causing notice to be served on such parent or guardian, with a view, so far as is practicable, of securing his attendance at the hearing of the charge ; or the court may, if it thinks it expedient so to do, deal with the case summarily.

(4) This section shall not prejudice the power of a court of summary jurisdiction to send a child or young person to a training school.

(5) Every conviction or dismissal under this section—

(*a*) of a child, shall contain a statement as to the consent or otherwise of his parent or guardian ;

(*b*) of a young person, shall contain a statement of his consent ;

to his being tried summarily.

(6) Section two of the Criminal Justice Act (Northern Ireland), 1945 (which empowers courts of summary jurisdiction to deal summarily with certain indictable offences where the person charged is an adult within the meaning of that section) shall have effect as if for the words " the age of sixteen years or upwards " in subsection (9) thereof there were substituted the words " the age of seventeen years or upwards " and subject thereto

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the provisions of sub-sections (3), (4), (5), (7) and (8) of the said section two shall apply in relation to offences authorised to be dealt with or dealt with under this section in like manner as they apply to offences authorised to be dealt with or dealt with under that section.

Children and Young Persons in need of Care or Protection.

Definition of "in need of care or protection."

62.—(1) For the purposes of this Act a child or young person in need of care or protection means a person who is—

(*a*) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or

(*b*) a child or young person who requires care or protection being—

(i) a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been, is being or is about to be committed; or

(ii) a member of the same household as a child or young person in respect of whom such an offence has been, is being or is about to be committed; or

(iii) a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household; or

8 Edw. 7, c. 45.

(*c*) a child or young person in respect of whom an offence has been committed under section twenty of this Act.

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of

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singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (*a*) of the last preceding sub-section) be evidence that he is exposed to moral danger.

Powers of juvenile courts in respect of children and young persons in need of care or protection.

63.—(1) If a juvenile court is satisfied that any person brought before the court under this section by a welfare authority, local education authority, constable or authorised person, is a child or young person in need of care or protection, the court may either—

(*a*) order him to be sent to a training school ; or

(*b*) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him ; or

(*c*) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship ; or

(*d*) without making any other order, or in addition to making an order under either of the last two preceding paragraphs, make an order, to be known as a "supervision order," placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any welfare authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court ; and it shall be the duty of a welfare authority to bring before a juvenile court any child or young person residing or found in their area who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) The Summary Jurisdiction Acts (Northern Ireland) shall apply in relation to recognizances under sub-section (1) of this section as they apply in relation to recognizances to be of good behaviour, and where a recognizance under the said sub-section (1) is adjudged

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to be forfeited the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum in which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Ministry to institute proceedings under this section, and any person who is himself so authorised.

Powers of other courts.

64.—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act (not being an offence which resulted in the death of the child or young person) or any offence under section twenty of this Act, may—

(*a*) direct that the child or young person be brought before a juvenile court with a view to that court making such order under the last preceding section as may be proper; or

(*b*) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which a juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court it shall be the duty of the welfare authority in whose area he was residing or found to bring him before such a court under sub-section (1) of the last preceding section.

Refractory Children and Young Persons.

Power of parent or guardian to bring child or young person before juvenile court.

65. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

(*a*) that it is expedient so to deal with the child or young person; and

(*b*) that the parent or guardian understands the results which will follow from and consents to the making of the order;

may—

(i) order the child or young person to be sent, subject to the consent of the local authority

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within whose area he is resident, to a training school; or

(ii) make a supervision order in respect of the child or young person; or

(iii) either in addition to, or in lieu of, a supervision order make an order committing him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him.

Power of welfare authority to bring child or young person before juvenile court.

66. Where a welfare authority satisfy a juvenile court that any child or young person maintained in a home belonging to the authority or boarded out by the authority is refractory, and that it is expedient that he should be sent to a training school, the court may order him to be sent to such a school.

Ancillary Provisions.

Supervision by probation officers or other persons.

67.—(1) The probation officer, or other person under whose supervision a child or young person is placed by a supervision order, shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen, bring him before a juvenile court, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to a training school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer, or other person under whose supervision a child or young person is placed by a supervision order, has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

Application to supervision orders of certain provisions relating to probation.

68.—(1) Subject to the provisions of this section, a supervision order may include any such requirement as to the residence of the person to whom the order relates, or as to treatment for his mental condition, as may, by virtue of sub-section (4) of section one or by virtue of

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section two of the Probation Act (Northern Ireland), 1950, be included in a probation order :

Provided that a supervision order containing any such provision shall not be made in respect of a young person unless he consents thereto, and any requirement as to the residence of any person included in such an order shall cease to have effect when that person attains the age of eighteen.

(2) The court by which a supervision order is made shall forthwith give a copy of the order to the child or young person to whom the order relates, to the person under whose supervision the child or young person is placed by the order and to the person in charge of any institution in which the child or young person is required by the order to reside ; and subject to the provisions of this section, sub-section (7) of section one of the Probation Act (Northern Ireland), 1950, shall apply to a supervision order which requires a person to reside in any institution as it applies to a probation order containing such a requirement.

(3) Sub-sections (1) to (3) of section three of the Probation Act (Northern Ireland), 1950, and the Second Schedule to that Act, shall apply in relation to the discharge, amendment and review of supervision orders as they apply in relation to the discharge, amendment and review of probation orders : —

Provided that a supervision order may be amended under the said Second Schedule on application made by any person.

(4) For the purposes of their application to supervision orders under this section, the appropriate provisions of the Probation Act (Northern Ireland), 1950, shall have effect subject to the following modifications, that is to say :—

(*a*) for references to a probation order there shall be substituted references to a supervision order ;

(*b*) for references to the probation period there shall be substituted references to the period of supervision specified in the supervision order ;

(*c*) for references to the probationer or the offender there shall be substituted references

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to the person in respect of whom the supervision order is or is to be made ;

(*d*) references to the probation officer shall include references to a person not being a probation officer under whose supervision the child or young person to whom the supervision order relates is placed by virtue of the order ;

(*e*) for references to the supervising court there shall be substituted references to the court by which the supervision order was made, or any other court authorised under section sixty-four of this Act to exercise the powers of that court ;

(*f*) paragraph 2 of the Second Schedule to the Probation Act (Northern Ireland), 1950, shall not apply, and paragraph 5 of that Schedule shall not apply except where the amending order requires the person to whom the supervision order relates to reside in an institution or to submit to treatment for his mental condition.

Incidental powers of courts dealing with children and young persons.

69. Where any court before which a child or young person is brought upon an application for an order under any of the provisions of this Part of this Act is not in a position to decide what order ought to be made, the court may (whether or not it also makes an interim order under sub-section (2) of the next succeeding section) record a finding of the fact that the child or young person is in need of care or protection or is beyond the control of his parent or guardian, or is refractory, as the case may be ; and the said record shall be admissible as evidence of that fact for the purpose of any further hearing of that application.

Removal or remand of child or young person to place of safety.

70.—(1) A constable, or any person authorised by any court or by any justice of the peace, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the last seven preceding sections, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

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(2) If a juvenile court before which any child or young person is brought is not in a position to decide whether any and, if so, what, order ought to be made under the last seven preceding sections, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

An interim order under this sub-section shall not remain in force for more than twenty-eight days ; but if at or before the expiration of that period the court deems it expedient to do so, it may make a further interim order.

Power to deal with children and young persons who become in need of medical treatment while under detention.

71.—(1) Where, with respect to a child or young person who is being detained in a place of safety under an interim order having effect by virtue of sub-section (2) of the last preceding section of this Act, or by virtue of sub-section (3) of section thirty-eight of the Education Act (Northern Ireland), 1947, the court by which the order was made is satisfied on any occasion that, by reason of illness or accident, he is unable to appear personally before the court, any further interim order which the court has power to make on that occasion may be made in the absence of the child or young person.

(2) If at any time while there is in force an order made by a court for the detention of a child or young person in a remand home or in some other place of safety, the child or young person is found, by reason of illness or accident, or for any other reason, to be in need of any medical treatment or examination which cannot properly be given or made in the remand home or other place of safety the person in charge of the remand home or other place of safety, may remove the child or young person therefrom to any place of safety being a place in which the necessary treatment or examination can be given or made ; and the order shall, so long as it remains in force :—

(*a*) apply to the child or young person as if, whilst being so removed to the last-mentioned place of safety, whilst detained therein for the purpose of the giving of the treatment or the making of the examination, and whilst being taken back to the place from which he was so removed, he continued to be detained in the remand home or other place of safety specified in the order, and

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(*b*) be deemed to authorise the child or young person to be taken to the court from any place to which he has lawfully been removed by virtue of this sub-section.

(3) When and so often as, in pursuance of the last preceding sub-section, a child or young person is removed from any remand home or other place of safety for his detention in which such an order as is mentioned in that sub-section has been made, being an order in force at the time of the removal, the person by whom he is so removed shall forthwith give written notice of the fact to the clerk of the court by which the order was made.

Regard to be had to religious persuasion of persons sent to training schools.

72.—(1) A court before making a training school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

(2) A court, or the Ministry, in determining the training school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to a training school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(*a*) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessions district or place; and

(*b*) in any other case, to the Ministry;

to remove or send the person to a training school for persons of his religious persuasion, and the court or Ministry shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the training school order, if any, relating to him, comply with the request of the applicant;

Provided that nothing in this sub-section shall empower a court, or impose an obligation upon the Ministry, to comply with any such request as aforesaid unless the applicant has named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Ministry that the managers thereof have accommodation available.

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Coming into force of training school orders.

73.—(1) A training school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act :

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) If a training school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next succeeding section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to a training school in pursuance of the training school order :

Provided that an order made under this sub-section shall not remain in force for more than twenty-eight days, but if at or before the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this sub-section.

Any order made under this sub-section may be made in the absence of the child or young person concerned.

Contents of training school orders.

74.—(1) Every training school order shall contain a declaration—

(*a*) as to the age ; and

(*b*) as to the religious persuasion ;

of the child or young person with respect to whom it is made.

(2) Every training school order, other than an order made by reason of the commission of an offence under section twenty of this Act, shall name the local authority within whose area the child or young person was resident, or if that is not known, the local authority or one of the local authorities within whose area the offence was

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committed or the circumstances arose (as the case may be) rendering him liable to be sent to a training school :

Provided that—

(*a*) in determining for the purposes of this subsection the place of residence of a child or young person, regard shall not be had to any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a welfare authority to whose care he has been committed, or in accordance with the requirements of a supervision order or a probation order or the conditions of a recognizance ; and

(*b*) an order made in respect of a child or young person not resident in Northern Ireland shall, instead of naming a local authority, state that he was resident outside Northern Ireland.

(3) Every training school order which is made to take effect immediately shall—

(*a*) specify the training school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the local authority concerned, considers to be most suitable to the case ; and

(*b*) state whether the local authority, if any, named therein or the probation officer or a police officer is to be responsible for conveying to the school the child or young person with respect to whom the order is made.

(4) Where a training school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person shall be subsequently specified by endorsement thereon.

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(5) If for any reason a child or young person with respect to whom a training school order has been made cannot be received into the training school specified in or endorsed upon the order, another school may be specified by an endorsement or further endorsement thereon, as the case may be.

(6) An endorsement under the foregoing provisions of this section may be made either—

(*a*) by the court which made the training school order ; or

(*b*) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessions district or place ; or

(*c*) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the petty sessions district or place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the petty sessions district or place within which he was resident ;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) A training school order made by reason of the commission of an offence under section twenty of this Act shall state that it is so made.

Duration and effect of training school orders.

75.—(1) Where a court orders a child to be sent to a training school, the order shall be an authority for his detention in a training school until the expiration of a period of three years from the date of the order or until the expiration of four months after he attains the upper limit of compulsory school age whichever is the later.

(2) Where a court orders a young person to be sent to a training school, the order shall be an authority for his detention in a training school—

(*a*) if at the date of the order he has not attained the age of sixteen, until the expiration of a period of three years from the date of the order ; and

(*b*) if at the date of the order he has attained the age of sixteen, until he attains the age of nineteen.

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(3) Subject to the foregoing provisions of this section, the managers of a training school may, with the consent of the Ministry and subject to such conditions as may be prescribed, board any child or young person detained in the school out with any suitable person for such period or extended period as they think advisable in the interests of the child or young person ; but a child or young person so boarded out shall for the purposes of this Part of this Act be deemed not to have ceased to be detained in the training school, and the provisions of this Part of this Act shall apply accordingly, subject to such modifications as may be prescribed.

Conveyance of children or young persons to training school.

76.—(1) The court which makes, or makes any endorsement upon, a training school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the person for the time being in charge of the school.

(2) The court by which a training school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the managers or to the person for the time being in charge of the school.

(3) The authority or person stated by any training school order to be responsible for conveying a child or young person to his school, shall be responsible for conveying him there at the expense of the Ministry which expense shall be defrayed by the Ministry out of moneys provided by Parliament.

(4) Where a child or young person has been ordered to be sent to a training school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) Where a person authorised to take a child or young person to a training school is, when the time has

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come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person 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 Act, be liable on summary conviction to a fine not exceeding five pounds.

Extension of period of detention in training schools.

77. If the managers of a training school are satisfied that a person whose period of detention therein is, under the foregoing provisions of this Act, about to expire needs further care or training and cannot without it be placed in suitable employment they may, if the Minister consents, detain him for a further period not exceeding six months, so, however, that he shall not be detained beyond the date on which he will attain the age of nineteen :

Provided that the powers conferred by this section shall not extend to a person who, having been a person undergoing detention in a Borstal institution or sentenced to detention under sub-section (2) of section fifty-five of this Act, is detained in a training school by order of the Minister.

Supervision and recall after expiration of order.

78.—(1) A person sent to a training school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

(*a*) if at the expiration of that period he has not attained the age of fifteen, until he attains the age of eighteen ;

(*b*) if he has at the expiration of that period attained the age of fifteen, for a period of three years or until he attains the age of twenty-one, whichever may be the shorter period.

(2) The managers may, and, if the Minister so directs, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen :

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Provided that a person shall not be so recalled unless in the opinion of the managers, or, as the case may be, of the Minister, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and shall in no case be detained—

(*a*) after the expiration of a period of three months, or of such longer period not exceeding six months as the Minister may, after considering the circumstances of his case, direct ; or

(*b*) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Ministry of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Ministry that they have done so.

(5) For the purposes of this Act a person who is out under supervision from a training school shall be deemed to be under the care of the managers of the school.

Provisions as to making, duration, and effect, of orders of committal to fit persons.

79.—(1) Before making an order under this Act committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed the court shall if possible select a person who either is of the same religious persuasion as the child or young person or gives an undertaking that he will be brought up in accordance with that religious persuasion.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

(*a*) as to the age ; and

(*b*) as to the religious persuasion ;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Act, remain in force until he attains the age of eighteen years.

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(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

Committal to welfare authorities as "fit persons."

80.—(1) The appropriate welfare authority shall, for the purposes of the provisions of this Act relating to the making of orders committing a child or young person to the care of a fit person, be deemed to be a fit person willing to undertake the care of him, and accordingly orders may be made committing children and young persons to their care, and they shall undertake the care of children and young persons so committed:

Provided that where a probation order or supervision order is in force as respects a child or young person, or the court proposes to make such an order at the same time as an order for committal to the care of the welfare authority, the last-mentioned order shall not be made unless the authority consent to the making thereof.

(2) Before making an order under the last preceding sub-section in any case where the consent of the welfare authority is not required, the court shall, unless so to do would in the opinion of the court cause undue delay, permit the authority to make representations to the court as to the making of the order and shall, before making the order, consider any representations so made.

(3) In this section the expression "the appropriate welfare authority" means the welfare authority in whose area the child or young person was resident, or, if his residence is not known or he was resident outside Northern Ireland, the welfare authority or one of the welfare authorities within whose area the offence was committed or the circumstances arose (as the case may be) rendering him liable to be committed to the care of a fit person:

Provided that in determining for the purposes of this sub-section the place of residence of a child or young person, regard shall not be had to any period during which he resided in any place as an inmate of a school

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or other institution, or in accordance with the requirements of a supervision order or probation order or the conditions of a recognizance, or while boarded out by a welfare authority under this Act.

8 & 9 Geo. 5, c. 57.

(4) The reference in sub-section (4) of section nine of the War Pensions (Administrative Provisions) Act, 1918, to an order made under section twenty-one or sub-section (7) of section fifty-eight of the Act of 1908 shall be construed as including a reference to an order made under this Act.

PART IV.—DUTY OF WELFARE AUTHORITIES TO ASSUME CARE OF CHILDREN.

Duty of welfare authority to provide for orphans, deserted children, etc.

81.—(1) Where it appears to a welfare authority with respect to a child in their area appearing to them to be under the age of seventeen—

(*a*) that he has neither parent nor guardian or has been and remains abandoned by his parents or guardian or is lost; or

(*b*) that his parents or guardian are, for the time being or permanently, prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for his proper accommodation, maintenance and upbringing; and

(*c*) in either case, that the intervention of the welfare authority under this section is necessary in the interests of the welfare of the child,

it shall be the duty of the welfare authority to receive the child into their care under this section.

(2) Where a welfare authority have received a child into their care under this section, it shall, subject to the provisions of this Part of this Act, be their duty to keep the child in their care so long as the welfare of the child appears to them to require it and the child has not attained the age of eighteen.

(3) Nothing in this section shall authorise a welfare authority to keep a child in their care under this section if his parent or guardian desires to take over the care of the child, and the welfare authority shall, in all cases where it appears to them consistent with the welfare of the child so to do, endeavour to secure that the care of the child is taken over either:—

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(*a*) by a parent or guardian of his; or
(*b*) by a relative or friend of his, being, where possible, a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in that religious persuasion.

(4) Where a welfare authority receive a child into their care under this section who is then ordinarily resident in the area of another welfare authority,—

(*a*) that other welfare authority may at any time not later than three months after the determination (whether by agreement between the authorities or in accordance with the following provisions of this sub-section) of the ordinary residence of the child, or with the concurrence of the first-mentioned authority at any subsequent time, take over the care of the child; and

(*b*) the first-mentioned authority may recover from the other authority any expenses duly incurred by them under this Act in respect of him (including any expenses so incurred after he has ceased to be a child and, if the other authority take over the care of him, including also any travelling or other expenses incurred in connection with the taking-over).

Any question arising under this sub-section as to the ordinary residence of a child shall be determined by the Ministry.

(5) In determining for the purposes of the last preceding sub-section the ordinary residence of any child, regard shall not be had to any period during which he resided as an inmate of a school or other institution, or in accordance with the provisions of a probation order or of a supervision order or the conditions of a recognizance, or while boarded out by a welfare authority.

Power of welfare authority to apply for parental rights order.

82.—(1) Where it appears to a welfare authority with respect to any child in their care under the last preceding section that:—

(*a*) his parents are dead and that he has no guardian; or

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(*b*) a parent or guardian of his has abandoned him or suffers from some disability of mind or body rendering the parent or guardian incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child;

the authority may, subject to the provisions of this Part of this Act, apply to a juvenile court constituted in accordance with the provisions of Part III of this Act for an order (in this Act referred to as "a parental rights order") vesting in the welfare authority with respect to the child all the rights and powers which the deceased parents would have if they were still living, or, as the case may be, all the rights and powers of the parent or guardian and the juvenile court shall, subject to the provisions of sub-section (3) of this section, have power to make such an order.

(2) On any application by a welfare authority to a juvenile court under the preceding sub-section for a parental rights order in respect of any child any relative or next-of-kin of that child may appear before the juvenile court and object to the making of the order, and, where a welfare authority propose to apply for a parental rights order by virtue of paragraph (*b*) of that sub-section, the welfare authority shall, if the whereabouts of the parent or guardian are known to them, serve on such parent or guardian at least seven days' notice in writing of their intention to apply for the order, and the said parent or guardian may appear before the juvenile court and object to the making of the order. Every such notice shall inform the parent or guardian of his right so to appear and object.

(3) A juvenile court shall not make a parental rights order by virtue of paragraph (*b*) of sub-section (1) of this section unless satisfied that the child has been, and at the time of the application for such order remains, abandoned by his parent or guardian, or that the parent or guardian suffers from some disability of mind or body rendering him incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child.

(4) A welfare authority on whose application a parental rights order is made shall notify the Ministry forthwith of the making of such order.

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(5) Any notice under this section shall be duly served by post if it is sent in a registered letter.

Effect of parental rights order.

83.—(1) While a parental rights order made by virtue of paragraph (*a*) of sub-section (1) of the last preceding section is in force with respect to a child, all rights and powers which the deceased parents would have had if they were still living shall, in respect of the child, be vested in the welfare authority subject to such conditions and exceptions as may be mentioned in the order.

(2) While a parental rights order made by virtue of paragraph (*b*) of the said sub-section (1) is in force with respect to a child, all rights and powers of the parent or guardian shall, in respect of the child, be vested in the welfare authority subject to such conditions and exceptions as may be mentioned in the order and accordingly while the order remains in force—

(*a*) references in sub-section (3) of section eighty-one of this Act to a parent or guardian shall not include references to a parent or guardian divested by the order of parental rights and powers in respect of the child; and

(*b*) the welfare authority shall be liable to maintain the child.

(3) A parental rights order shall not prevent the welfare authority from allowing the child to be, either for a fixed period or until the welfare authority otherwise determine, under the control of a parent, guardian, relative, next-of-kin or friend in any case where it appears to the authority to be for the benefit of the child.

(4) Where a parental rights order is in force in respect of a child and the child has ceased to be in the care of the welfare authority by whom application for the order was made, then (without prejudice to the provisions of section eighty-one of this Act if those provisions apply) the welfare authority by whom application for the order was made shall have power to receive the child back into their care in any circumstances in which it appears to them that their intervention under this sub-section is necessary in the interests of the welfare of the child.

(5) Where a welfare authority receive a child into their care under the last preceding sub-section, the provisions of this Act, except sub-sections (4) and (5) of

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section eighty-one thereof, shall apply as if the child had been received into their care under the said section eighty-one.

(6) A parental rights order shall not relieve any person from any liability to maintain, or contribute to the maintenance of, the child; and a welfare authority may recover as a civil debt due to them by any such person the amount of any money expended by them on such maintenance.

(7) A parental rights order shall not authorise a welfare authority to cause a child to be brought up in any religious persuasion other than that in which he would have been brought up if the order had not been made.

(8) Any person who knowingly—

(*a*) assists or induces a child to whom this sub-section applies to run away, or

(*b*) harbours or conceals a child to whom this sub-section applies who has run away, or prevents him from returning to the place from which he has run away,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

This sub-section applies to any child in the care of a welfare authority under section eighty-one of this Act in respect of whom a parental rights order is in force, being a child for whom accommodation (whether in a home or otherwise) is being provided by the welfare authority in pursuance of Part V of this Act; and references in this sub-section to running away shall be construed as references to running away from a place where accommodation is or was being so provided.

Duration of parental rights orders

34.—(1) Subject to the provisions of this Part of this Act, a parental rights order shall continue in force until the child with respect to whom it was made attains the age of eighteen.

(2) A parental rights order may be discharged on application to a juvenile court—

(*a*) where the order was made by virtue of paragraph (*a*) of sub-section (1) of section eighty-

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two of this Act, by a person claiming to be the parent or guardian of the child or by a relative, next-of-kin or friend of the child ;

(*b*) where the order was made by virtue of paragraph (*b*) of the said sub-section, by the parent or guardian of the child or by a relative, next-of-kin or friend of the child ;

(*c*) in either case, by the welfare authority on whose application the order was made ;

if the court is satisfied that the discharge of the order would be for the benefit of the child :

Provided that the court may, if it thinks fit, in lieu of discharging the order, direct that, either for a fixed period or until the court otherwise directs, the child shall be in the care and under the control of a parent, guardian, relative, next-of-kin or friend.

Children in care of Minister of Pensions.

85.—(1) Nothing in this Act shall be construed as affecting any duty or power imposed or conferred on the Minister of Pensions by or under section nine of the War Pensions (Administrative Provisions) Act, 1918, with respect to children to whom that section applies.

(2) Where the Minister of Pensions requires the transfer to him of the care of any such child as aforesaid who is in the care of a welfare authority under section eighty-one of this Act, the care of that child shall forthwith be transferred to him ; and thereupon the child shall cease to be in the care of the welfare authority.

Children becoming subject to the Lunacy and Mental Health Acts.

86. If a child who is in the care of a welfare authority under section eighty-one of this Act comes pursuant to the provisions of the Lunacy and Mental Health Acts (Northern Ireland), 1821 to 1948, under the control of any person or authority he shall thereupon cease to be in the care of the welfare authority under this Act, but where, immediately before he comes under such control as aforesaid, a parental rights order was in force with respect to him, the rights and powers conferred on the welfare authority by the order shall, so long as the order is in force, continue to be exercisable by the welfare authority, so, however, that the said rights and powers shall not be exercisable as against the person or authority having such control or so as to interfere with anything done by that person or authority with respect to the child.

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Duty of parents to keep in touch with welfare authorities having their children in care.

87.—(1) The parent of a child who has not attained the age of sixteen and is in the care of a welfare authority under section eighty-one of this Act shall secure that the appropriate welfare authority are informed of the parent's address for the time being.

(2) For the purposes of the preceding sub-section the appropriate welfare authority shall be the authority in whose care the child is for the time being :

Provided that where under sub-section (4) of section eighty-one of this Act a welfare authority have taken over the care of a child from another authority, then unless and until a parent is informed that the care of a child has been so taken over the appropriate welfare authority shall in relation to that parent continue to be the authority from whom the care of the child was taken over.

(3) Where under sub-section (4) of section eighty-one of this Act a welfare authority take over the care of a child from another welfare authority, that other welfare authority shall where possible inform the parent of the child that the care of the child has been so taken over.

(4) Any parent who knowingly fails to comply with sub-section (1) of this section shall be liable on summary conviction to a fine not exceeding five pounds :

Provided that it shall be a defence in any proceedings under this sub-section to prove that the defendant was residing at the same address as the other parent of the child, and had reasonable cause to believe that the other parent had informed the appropriate authority that both parents were residing at that address.

Part V.—Treatment of Children in care of Welfare Authorities.

Scope of Part V.

88. This Part of this Act relates to the powers and duties of welfare authorities in relation to children received by them into their care under section eighty-one of this Act and children who by an order of any court under Part III of this Act have been committed (whether as children within the meaning of Part III of this Act, or as young persons), to their care as a fit person, and references in this Part of this Act to a child in the care of

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a welfare authority are references to a child for the time being received into or committed to the care of the authority as aforesaid.

General duty of welfare authority.

89.—(1) Where a child is in the care of a welfare authority, it shall be the duty of that authority to exercise their powers with respect to him so as to further his best interests, and to afford him opportunity for the proper development of his character and abilities.

(2) In providing for a child in their care a welfare authority shall make use of facilities and services available for children in the care of their own parents and, in particular, shall ensure that no child in their care is deprived of the utmost benefits available under the enactments relating to health, education and employment services.

1950, c. 6.

(3) For the purposes of their functions under this Act or under the Adoption of Children Act (Northern Ireland), 1950, a welfare authority shall, in accordance with provisions as to experience, qualifications and conditions of service to be prescribed by the Ministry, appoint an officer to be known as the children's officer.

If the welfare authority propose to appoint a person who, in the opinion of the Ministry, is not a fit person to be the children's officer of the authority, the Minister may give directions prohibiting his appointment.

Where the Ministry is satisfied that the same person can efficiently discharge the functions of children's officer for two or more welfare authorities, the Ministry may approve the appointment of one person as the children's officer by each of the authorities.

The children's officer shall not, except with the approval of the Ministry, be employed by the welfare authority in any other capacity.

Mode of provision of accommodation and maintenance.

90.—(1) Subject to the provisions of this section, a welfare authority shall discharge their duty to provide accommodation and maintenance for a child in their care—

(*a*) by boarding him out on such terms (whether as to payment by the authority or otherwise) as the authority may, subject to the provisions of this Act and regulations thereunder, determine; or

(*b*) where it is not practicable or desirable for the time being to make arrangements for boarding-

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out, by maintaining the child in a home provided under this Part of this Act or by placing him in a voluntary home the managers of which are willing to receive him.

(2) A child who is in the care of a welfare authority and has attained the upper limit of compulsory school age may be accommodated and maintained in any hostel (whether provided by a welfare authority or not) which is wholly or mainly intended for persons who have attained the upper limit of compulsory school age but have not attained the age of twenty-one.

(3) Nothing in this section shall be construed as preventing a welfare authority from making use, for the benefit of any child, of any such facilities and services as are referred to in sub-section (2) of the last preceding section, and for that purpose arranging for his accommodation and maintenance in any suitable manner not specified in the foregoing provisions of this section.

(4) Notwithstanding anything in the foregoing provisions of this section, a welfare authority may, with the approval of the Ministry given either generally or as respects particular premises and subject to such conditions as the Ministry may specify, accommodate and maintain a child in their care in premises under their control or under the control of any other welfare authority other than premises such as are mentioned in the foregoing provisions of this section.

(5) Where under this section a welfare authority provide for a child by maintaining him in a home or hostel not provided by the authority, the terms, whether as to payment by the authority or other matters, upon which the child is so maintained shall be such as may with the approval of the Ministry, be agreed upon between the authority and the persons providing the home or hostel.

Regulations as to boarding-out.

91.—(1) The Ministry may by regulations make provision for the welfare of children boarded out by welfare authorities under paragraph (*a*) of sub-section (1) of the last preceding section.

(2) Without prejudice to the generality of the preceding sub-section, regulations under this section may provide—

(*a*) for the recording by welfare authorities of information relating to persons with whom children are boarded out as aforesaid and

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persons who are willing to have children so boarded out with them;

(*b*) for securing that children shall not be boarded out in any household unless that household is for the time being approved by such welfare authority as may be prescribed by the regulations;

(*c*) for securing that where possible the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child will be brought up in that religious persuasion;

(*d*) for securing that children boarded out as aforesaid, and the premises in which they are boarded out, will be supervised and inspected by a welfare authority and that the children will be removed from those premises if their welfare appears to require it.

Duty of welfare authorities to provide homes.

92.—(1) A welfare authority may, and shall in so far as the Ministry so requires, provide, equip and maintain, either within or without their area, homes for the accommodation of children in their care.

(2) Accommodation provided under this section by a welfare authority shall include accommodation for the temporary reception of children with, in particular, the necessary facilities for the observation of their physical and mental condition.

(3) A welfare authority may perform their functions under the foregoing provisions of this section by making arrangements with another welfare authority for the provision in homes provided by that other welfare authority of accommodation for children in the care of the first-mentioned welfare authority; and arrangements under this sub-section may contain provisions as to payment by the first-mentioned welfare authority and other terms upon which the accommodation is to be provided.

(4) The Ministry may make regulations as to the exercise by welfare authorities of their functions under this section and the conduct of homes provided thereunder and for securing the welfare of the children in the homes, and regulations under this sub-section may in particular—

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(*a*) impose requirements as to the accommodation and equipment to be provided in homes and as to the medical arrangements to be made for protecting the health of the children in the homes ;

(*b*) impose requirements as to the facilities which are to be given for the children to receive instruction in the religious persuasion to which they belong ;

(*c*) require the approval of the Ministry to the construction acquisition or appropriation of premises with a view to the use thereof for the purposes of homes, to the making of additions, diminutions or alterations to or of, or to or of the grounds of, buildings used for the said purposes or to the bringing of any land into use for the said purposes ;

(*d*) require the approval of the Ministry in connection with the appointment, qualifications and training of staff for the homes ;

(*e*) contain provisions for limiting the period during which children may be accommodated in the homes ;

and may contain different provisions for different classes of cases and as respects different classes of homes, so, however, that where any such regulations require the approval of the Ministry for the doing of any such thing as is referred to in paragraph (*c*) of this sub-section, that approval shall not be given without the consent of the Ministry of Finance.

(5) Where it appears to the Ministry that any premises used for the purposes of a home provided under this section are unsuitable therefor, or that the conduct of any such home is not in accordance with regulations made by the Ministry under the last preceding sub-section or is otherwise unsatisfactory, the Ministry may by notice in writing served on the welfare authority direct that as from such date as may be specified in the notice the premises shall not be used for the said purposes, and it shall be the duty of the welfare authority to comply with any such direction.

(6) A direction given under the last preceding sub-section may at any time be revoked by the Ministry.

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Accommodation of children in voluntary homes.

93.—(1) Notwithstanding any agreement made in connection with the placing of a child in a voluntary home under this Part of this Act by a welfare authority, a welfare authority may at any time, and if required so to do by the Ministry or the managers of the home shall, remove the child from the home.

(2) Where possible a child in the care of a welfare authority shall not be placed in a voluntary home unless the person in charge thereof is of the same religious persuasion as the child or gives an undertaking that the child will be brought up in that religious persuasion and, in any event, no child in the care of a welfare authority shall be placed in a voluntary home which does not afford facilities for him to receive instruction in the religious persuasion to which he belongs.

Power of welfare authorities to arrange for emigration of children.

94.—(1) A welfare authority may, with the consent of the Ministry, procure or assist in procuring the emigration of any child in their care.

(2) The provisions of sub-section (5) of section one hundred and eleven of this Act shall apply with respect to children received into the care of a welfare authority under section eighty-one of this Act in like manner as the said provisions apply with respect to children and young persons committed under this Act to the care of a welfare authority as a fit person.

Burial or cremation of deceased children.

95.—(1) A welfare authority may cause to be buried or cremated the body of any deceased child who immediately before his death was in the care of the authority:

Provided that the authority shall not cause the body to be cremated where cremation is not in accordance with the practice of the child's religious persuasion.

(2) Where a welfare authority exercise the powers referred to in the preceding sub-section, they may if at the time of his death the child had not attained the age of sixteen recover as a civil debt due to them from any parent of the child any expenses incurred by them under the said sub-section and not reimbursed under sub-section (5) of section twenty-one of the National Insurance Act (Northern Ireland), 1946, (which enables payments to be made out of the National Insurance Fund in respect of the cost of burial or cremation of certain persons).

1946, c. 23.

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(3) Nothing in this section shall affect any enactment regulating or authorising the burial or cremation of the body of a deceased person.

Accommodation of and assistance to persons under twenty-one.

96.—(1) A welfare authority may make arrangements for the accommodation near the place where they may be employed or seeking employment, or undergoing education or training, of persons—

(*a*) who have attained the upper limit of compulsory school age but have not attained the age of twenty-one; and

(*b*) who are, or have at any time after ceasing to be of compulsory school age been, in the care of a welfare authority.

(2) A welfare authority may, with the approval of the Ministry, make contributions to the cost of the accommodation and maintenance of any such person as is mentioned in the preceding sub-section, being a person who has attained the age of eighteen, in any place where he may be employed or seeking employment, or undergoing education or training.

(3) A welfare authority may, with the approval of the Ministry, make grants to persons who have attained the age of eighteen but have not attained the age of twenty-one, and who immediately before they attained the age of eighteen were in the care of a welfare authority, to enable them to meet expenses connected with their undergoing suitable education or training.

(4) Where a person:—

(*a*) is engaged in a course of education or training at the time when he attains the age of twenty-one; or

(*b*) having previously been engaged in a course of education or training which has been interrupted by any circumstances, resumes the course as soon as practicable;

then if a welfare authority are at the said time, or were, at the time when the course was interrupted, as the case may be, making any contributions or grants in respect of him under any of the foregoing provisions of this section, their powers under those provisions shall continue with respect to him until the completion of the course.

(5) In the exercise of any of their functions under this Part of this Act a welfare authority may make use of any facilities provided under or by virtue of the

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Education Act (Northern Ireland), 1947, and local education authorities constituted under that Act may co-operate with welfare authorities in that behalf.

Welfare authorities and local education authorities.

97. The Ministry and the Ministry of Education jointly may make regulations for providing, where a welfare authority under this Part of this Act and a local education authority as such have concurrent functions, by which authority the functions are to be exercised, and for determining as respects any functions of a local education authority specified in the regulations whether or not a child in the care of a welfare authority is to be treated as a child of parents without resources.

PART VI.—VOLUNTARY HOMES.

Definition of voluntary homes.

98. In this Act the expression "voluntary home" means any home or other institution for the boarding, protection, care and maintenance of poor children or children otherwise in need of help, being a home or other institution supported wholly or partly by voluntary contributions or endowments but not being either—

(*a*) a school within the meaning of the Education Act (Northern Ireland), 1947; or

(*b*) an institution within the meaning of the Mental Health Act (Northern Ireland), 1948. 1948, c. 17.

Registration of voluntary homes.

99.—(1) After the expiration of three months from the coming into operation of this Part of this Act no voluntary home shall be carried on unless it is for the time being registered in a register to be kept for the purposes of this section by the Ministry.

(2) Application for registration under this section shall be made by the persons carrying on or intending to carry on the home to which the application relates, and shall be made in such manner and accompanied by such particulars as the Ministry may by regulations prescribe.

(3) On an application duly made under the last preceding sub-section—

(*a*) if the home to which the application relates was at the commencement of this Act open for the reception of children, the application shall be granted;

(*b*) in any other case, the Ministry may either grant or refuse the application, as it thinks fit, but where the application is refused the

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Ministry shall give the applicant notice in writing of the refusal.

(4) Where at any time it appears to the Ministry that the conduct of any voluntary home registered under sub-section (1) of this section is not in accordance with regulations made or directions given in that behalf under this Part of this Act or is otherwise unsatisfactory, the Ministry may, after giving to the persons carrying on the home not less than twenty-eight days' notice in writing of its proposal so to do, remove the home from the register.

(5) Any person who carries on a voluntary home in contravention of the provisions of sub-section (1) of this section shall be liable on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds in respect of each day during which the offence continues after conviction.

(6) Where—

(*a*) a voluntary home is carried on in contravention of the provisions of sub-section (1) of this section; or

(*b*) notice of a proposal to remove a voluntary home from the register is given under sub-section (4) thereof;

the Ministry may, notwithstanding that the time for any appeal under the next succeeding section has not expired or that such an appeal is pending, notify the welfare authority in whose area the home is situated, and require them forthwith to remove from the home and receive into their care under section eighty-one of this Act all or any of the children for whom accommodation is being provided in the home; and the welfare authority shall comply with the requirement whether or not the circumstances of the children are such that they fall within paragraphs (*a*) to (*c*) of sub-section (1) of the said section eighty-one and notwithstanding that any of the children may appear to the welfare authority to be over the age of seventeen. For the purposes of the provisions of this Act relating to payment of contributions to a welfare authority any such children received by a welfare authority in pursuance of a requirement under this section shall be deemed to be children received into the care of the authority under section eighty-one of this Act.

(7) For the purpose of carrying out the duty of the welfare authority under the last preceding sub-section,

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any officer or servant authorised in that behalf by the welfare authority may enter any premises in which the home in question is being carried on. Any person who obstructs or impedes any welfare authority or any such officer or servant thereof in carrying out such duty shall be liable on summary conviction to a fine not exceeding ten pounds.

(8) The registration or the removal from the register under this section of a voluntary home shall be notified forthwith by the Ministry to the welfare authority in whose area the home is situated.

(9) Any notice under this section required to be given by the Ministry to the persons carrying on, or intending to carry on, a voluntary home may be given to those persons by being delivered personally to any one of them, or being sent by post in a registered letter to them or any one of them.

For the purposes of section twenty-six of the Interpretation Act, 1889 (which defines " service by post") a letter enclosing a notice under this section to the persons carrying on a voluntary home or any one of them shall be deemed to be properly addressed if it is addressed to them or him at the home. 52 & 53 Vict., c. 63.

Appeals.

100.—(1) Where under the last preceding section application for the registration of a voluntary home is refused, or it is proposed to remove a voluntary home from the register, the persons intending to carry on or carrying on the home, as the case may be, may within one month from the giving of the notice under sub-section (3) or sub-section (4) of that section appeal to an appeal tribunal (in this section called " an Appeal Tribunal ") constituted in accordance with the provisions of the Third Schedule to this Act against the refusal or proposal; and where the appeal is brought against a proposal to remove a home from the register, the home shall not be removed therefrom before the determination of the appeal.

(2) An appeal under this section shall be brought by notice in writing addressed to the Ministry requiring it to refer the refusal or proposal to an Appeal Tribunal.

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(3) On an appeal under this section an Appeal Tribunal may confirm the refusal or proposal of the Ministry or may direct that the home shall be registered or, as the case may be, shall not be removed from the register, and the Ministry shall comply with the direction.

(4) The Ministry shall pay to any member of an Appeal Tribunal such remuneration (if any) and such travelling or other allowances as may be approved by the Ministry of Finance; and such remuneration and allowances together with any other expenses reasonably incurred by an Appeal Tribunal shall be defrayed by the Ministry out of moneys provided by Parliament.

(5) For the purposes aforesaid an Appeal Tribunal may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents or articles in his custody or under his control which relate to any appeal or other matter pending before the Tribunal, and may hear, receive and examine evidence on oath and for that purpose may administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

(6) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under the last preceding sub-section, or to give evidence, or who wilfully alters, suppresses, cancels, destroys or refuses to produce any document or article which he may be required to produce by virtue of the said sub-section, shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(7) Any person entitled to appeal to an Appeal Tribunal may appear and be heard on any such appeal either in person or by counsel or solicitor.

(8) An Appeal Tribunal shall have power to hear and determine appeals made to it under section seventeen of the Adoption of Children Act (Northern Ireland), 1950, and the provisions of sub-sections (2), (4), (5), (6) and (7) of this section shall apply in relation to such appeals.

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Regulations as to conduct of voluntary homes.

101.—(1) The Ministry may make regulations as to the conduct of voluntary homes and for securing the welfare of the children therein, and regulations under this section may in particular—

(*a*) impose requirements as to the accommodation and equipment to be provided in homes, authorise the Ministry to give directions prohibiting the provision for the children in any home of clothing of any description specified in the directions, and impose requirements as to the medical arrangements to be made for protecting the health of the children in the homes;

(*b*) require the furnishing to the Ministry of information as to the facilities provided for the parents and guardians of children in the homes to visit and communicate with the children, and authorise the Ministry to give directions as to the provision of such facilities;

(*c*) authorise the Ministry to give directions limiting the number of children who may at any one time be accommodated in any particular home;

(*d*) provide for consultation with the Ministry as to applicants for appointment to the charge of a home and empower the Ministry to prohibit the appointment of any particular applicant therefor except in the cases (if any) in which the regulations dispense with such consultation by reason that the person to be appointed possesses such qualifications as may be prescribed by the regulations;

(*e*) require notice to be given to the Ministry of any change of the person in charge of a home; and

(*f*) require the furnishing to the Ministry at such times and in such form as shall be prescribed, such particulars as shall be prescribed with respect to children for the time being in, or admitted or received into homes and to children boarded out or discharged from homes;

and may contain different provisions for different descriptions of cases and as respects different descriptions of homes.

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(2) The Ministry may require the person in charge of a voluntary home to hand over any child accommodated in the voluntary home to a welfare authority with a view to the child being boarded out by the welfare authority, and the child shall thereupon be deemed to have come within the care of the welfare authority under section eighty-one of this Act.

(3) Any person who contravenes or fails to comply with any regulation made under this section or any requirement made or direction given under any such regulation shall be liable on summary conviction to a fine not exceeding ten pounds.

Inspection of voluntary homes.

102.—(1) The Ministry may cause any voluntary home to be inspected from time to time.

(2) Any person appointed by the Ministry to inspect any voluntary home shall have power at all reasonable times to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children therein as he thinks requisite, 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 a person so appointed to enter the home shall, for the purposes of section forty-two of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

(3) Where a person is acting in the exercise of any of the powers conferred by this section in respect of the inspection of any voluntary home he shall, if so required by the person in charge of the home, produce his authority to inspect the home.

After-care of children formerly in care of welfare authorities or voluntary organisations.

103.—(1) Where it comes to the knowledge of a welfare authority that there is in their area any child who has attained the upper limit of compulsory school age and who at the time when he attained that age or at any subsequent time was, but is no longer,—

(*a*) in the care of a welfare authority under section eighty-one of this Act; or

(*b*) in the care of a voluntary organisation;

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then, unless the authority are satisfied that the welfare of the child does not so require, they shall be under a duty so long as he has not attained the age of eighteen to advise and befriend him :

Provided that where in a case falling within paragraph (*b*) of this sub-section the welfare authority are satisfied that the voluntary organisation have the necessary facilities for advising and befriending him, the welfare authority may make arrangements whereby while the arrangements continue in force he shall be advised and befriended by the voluntary organisation instead of by the welfare authority.

(2) Where a child who has attained the upper limit of compulsory school age—

(*a*) ceases to be in the care of a welfare authority under section eighty-one of this Act and proposes to reside in the area of another welfare authority ; or

(*b*) ceases to be in the care of a voluntary organisation ;

the authority or organisation shall inform the welfare authority in whose area the child proposes to reside.

(3) Where it comes to the knowledge of a welfare authority or a voluntary organisation that a child whom they have been advising and befriending in pursuance of this section proposes to transfer or has transferred his residence to the area of another welfare authority, the first-mentioned welfare authority or, as the case may be, the voluntary organisation, shall inform the said other welfare authority.

PART VII.—REMAND HOMES, TRAINING SCHOOLS, AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED.

Remand Homes.

Provision of remand homes.

104.—(1) Subject to the provisions of sub-section (9) of this section, it shall be the duty of the Ministry to provide or arrange for the provision of remand homes, and the Ministry may, subject to the provisions of this section, make arrangements with other bodies or persons for the provision of such homes.

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(2) The Ministry shall not make any such arrangements as aforesaid with any other body or person unless the Ministry is satisfied that—

(*a*) the premises are in all respects suitable for the purposes of a remand home; and

(*b*) the person who will ordinarily have charge of or control over those premises is a fit and proper person to have the custody and care of children and young persons.

(3) The Ministry shall establish and maintain a register of remand homes provided in accordance with the foregoing provisions of this section, and in such register shall set forth in respect of each such home—

(*a*) the situation and postal address of the premises;

(*b*) particulars of the accommodation provided in the premises;

(*c*) the number of children or young persons who can be accommodated in the premises; and

(*d*) the name of the person ordinarily having charge of or control over the premises;

and the Ministry shall cause a copy of the register, and a notification of any change therein, to be sent to each Clerk of the Crown and Peace, clerk of petty sessions and constabulary station; and copies so sent shall be maintained accordingly.

(4) The Ministry shall cause remand homes to be inspected, and may make rules for their inspection, regulation and management, and for the classification, treatment, employment, discipline and control of persons detained in custody therein, and for the visitation of such persons from time to time by persons appointed in accordance with the rules.

(5) Where at any time it appears to the Ministry that the conduct of a remand home is not in accordance with any rules for the time being in force under the last preceding sub-section, or is otherwise unsatisfactory, the Ministry may, after giving to the person having charge of or control over the premises not less than twenty-eight days' notice in writing of its proposal so to do, remove the home from the register.

(6) A person aggrieved by the proposed removal of a remand home from the register may appeal in accordance with the provisions of section one hundred of this

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Act ; and the provisions of that section and of the Third Schedule to this Act shall have effect for the purposes of this section as they have effect in relation to voluntary homes.

(7) In the selection of a remand home to which a child or young person is to be committed regard shall be had to his religious persuasion.

(8) A child or young person who may lawfully be remanded in custody may be so remanded to any remand home in Northern Ireland.

(9) Nothing in this section shall be construed as requiring the Ministry to provide remand homes so long as places of detention provided under the Act of 1908, and available for use as remand homes remain suitable for that purpose and sufficient for the needs of Northern Ireland.

Provisions as to custody of children and young persons in remand homes.

105.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the terms thereof.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto, and any person who knowingly assists or induces or attempts to induce a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Training Schools.

Approval of schools.

106.—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Ministry to approve the school for that purpose, and the Ministry may, after making such inquiries as it thinks fit, approve

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the school for that purpose and issue a certificate of approval to the managers. A school so approved is in this Act referred to as a " training school."

(2) If at any time the Ministry is dissatisfied with the condition or management of a training school, or considers its continuance as a training school unnecessary, it may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be a training school :

Provided that the Ministry, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of a training school (other than a training school provided by a local authority) may, on giving six months' notice in writing to the Ministry of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be a training school.

(4) No person shall in pursuance of this Act be received into the care of the managers of a training school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) The Ministry shall cause any grant of a certificate of approval of a training school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised in the Belfast Gazette within one month from the date thereof.

Powers of Ministry respecting certified schools and

107.—(1) For the purposes of the provisions of the Act of 1908 a power to provide and maintain certified schools shall be deemed to have been conferred on the

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Ministry by that Act and the provisions of the Fifth Schedule to this Act with respect to certified schools shall have effect accordingly. training schools.

(2) The provisions of section one hundred and twenty-six (which requires contributions to be made by local authorities in respect of persons sent to training schools) of, and of the Fourth Schedule to, this Act shall apply, with such modifications (including additions or exceptions) as the Ministry may prescribe, to such schools as are mentioned in the preceding sub-section and subject to any such modifications the expression "training school" shall, for the purposes of this Act, be construed as including any such school:

Provided that the Ministry shall obtain the approval of the Ministry of Finance to the contributions prescribed by it under the said section one hundred and twenty-six as the contributions to be made by local authorities in respect of persons sent to any such school.

Provision of training schools by local authorities.

108.—(1) A local authority may, with the approval of the Ministry, undertake, or combine with any other local authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of a training school:

Provided that the Ministry before giving such approval shall be satisfied that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of training school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of training school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

Classification, administration, and management.

109.—(1) The Ministry may classify training schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, or otherwise as it thinks best calculated to secure that a person sent to a training school is sent to a school appropriate to his needs, or as may be necessary for the purposes of this Act.

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(2) The managers of a training school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

(*a*) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or

(*b*) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or

(*c*) the managers of the school satisfy the Ministry that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect in relation to the administration of training schools and the treatment of persons sent thereto.

Escapes from training schools, etc.

110.—(1) Any person who has been ordered to be sent to a training school and who—

(*a*) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or

(*b*) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or

(*c*) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant and brought back to his school; and (notwithstanding any enactment regulating the time within which and the court before which proceedings may be brought) any such person may, whether or not he is brought back, be brought with the authority of the Ministry at any time before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this

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Act upon the period during which he may be detained in a training school) order him—

(i) if he is under the age of sixteen, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or

(ii) if he has attained the age of sixteen, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the last preceding sub-section brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in a training school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

(*a*) assists or induces or attempts to induce a person to commit any such offence as is mentioned in sub-section (1) of this section; or

(*b*) harbours or conceals a person who has committed such an offence, or prevents him from returning;

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, 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 Act, be liable on summary conviction to a fine not exceeding five pounds.

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Fit Persons.

General provisions as to children and young persons committed to the care of fit persons.

111.—(1) The provisions of this section shall apply in relation to orders under this Act committing a child or young person to the care of a fit person, and in this section the expressions " child " and " young person " mean a person with respect to whom such an order is in force, irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

(2) The Ministry may make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed.

(3) A welfare authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit :

Provided that—

(*a*) the power of a welfare authority under this sub-section shall be exercised in accordance with any rules made under the last preceding sub-section as to the persons with whom and the conditions under which children and young persons committed to the care of welfare authorities may be so boarded out ;

(*b*) in selecting the person with whom any child or young person is to be boarded out, the welfare authority shall, if possible, select a person who either is of the same religious persuasion as the child or young person or gives an undertaking that he will be brought up in accordance with that religious persuasion.

(4) The Minister may at any time in his discretion discharge a child or young person from the care of the person to whose care he has been committed, and any such discharge may be granted either absolutely or subject to conditions.

(5) The Minister in any case where it appears to him to be for the benefit of a child or young person may empower the person to whose care he has been committed to arrange for his emigration, but except with the

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authority of the Minister no person to whose care a child or young person has been committed shall arrange for his emigration :

Provided that the Minister shall not empower such a person to arrange for the emigration of a child or young person unless he is satisfied that the child or young person consents or, being too young to form or express a proper opinion on the matter, is to emigrate in company with a parent, guardian or relative of his or is to emigrate for the purpose of joining a parent, guardian, relative or friend, and also that his parents have been consulted or that it is not practicable to consult them.

(6) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

(*a*) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessions district or place ;

(*b*) in any case, by a juvenile court acting for the petty sessions district or place within which the child or young person is residing.

On an application under this sub-section the court may, in lieu of the variation or revocation applied for, make a supervision order ; and where such a supervision order is made section sixty-seven of this Act shall apply in relation thereto as if it were an order made under Part III of this Act ; but such a supervision order shall be of no effect after the time at which the person to whom it relates attains the age of eighteen.

(7) If, on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid, any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

(8) Where the welfare authority are of opinion that any child or young person who has been committed to

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their care and who is under the age of seventeen should be sent to a training school, they may apply to a juvenile court, and that court may, if it thinks that it is desirable in his interests to do so, order him to be sent to such a school.

Escapes from care of fit persons.

112.—(1) A child or young person who runs away from a person to whose care he has been committed under this Act may be apprehended without warrant and brought back to that person, if he is willing to receive him, and, if he is not willing to receive him, may be brought—

(*a*) if the order committing him to the care of that person was made by a court of summary jurisdiction, before a juvenile court acting for the same petty sessions district or place as that court ; or

(*b*) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away ;

and that court may make any order with respect to him which the court might have made if he had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) A child or young person who runs away from any person with whom he has been boarded out by a welfare authority to whose care he has been committed as a fit person may be apprehended without warrant and brought back to that person, or to such other person as the authority direct.

(3) Any person who knowingly—

(*a*) assists or induces, or attempts to induce, a child or young person to run away from a person to whose care he has been committed as a fit person or with whom he has been boarded out by a welfare authority to whose care he has been so committed ; or

(*b*) harbours or conceals a child or young person who has so run away, or prevents him from returning ;

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

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Provisions as to local authorities for the purposes of this Part of this Act.

113.—(1) The local authority for the purposes of this Part of this Act shall in relation to any county or county borough be the council of that county or county borough as the case may be.

(2) A local authority may where they consider it necessary to do so for the purposes of this Part of this Act acquire any land either by agreement or compulsorily in accordance with the provisions of the next succeeding sub-section.

(3) Where a local authority desire to acquire otherwise than by agreement any land which they consider necessary for the purposes of this Part of this Act they may apply to the Ministry for an order vesting such land in them, and the Ministry shall have power to make such an order, and the provisions of sub-sections (1) and (2) of section twenty-two of the Local Government Act (Northern Ireland), 1934, as amended from time to time, shall apply for the purposes of this section as if— 24&25Geo.5, c. 22.

(*a*) the purposes for which the local authority may acquire land thereunder included the purposes of this Act ;

(*b*) references therein to the Ministry of Health and Local Government were construed as references to the Ministry ; and

(*c*) the expression " local authority " were construed as meaning a local authority for the purposes of this Part of this Act.

Part VIII.—Financial Provisions.

Expenses of Ministry.

114. The expenses incurred by the Ministry in carrying the provisions of this Act or of the Adoption of Children Act (Northern Ireland), 1950, into effect, including (without prejudice to the generality of the foregoing words) expenditure incurred in connection with the provision and maintenance of remand homes or the maintenance of training schools and expenditure incurred in the payment of any grant which the Ministry is authorised to pay under the succeeding provisions of this Part of this Act and any administrative or other expenses incurred by the Ministry under the said Acts, shall be defrayed out of moneys provided by Parliament.

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Expenses of local authorities.

115.—(1) Any expenses incurred under this Act by a county council shall be defrayed out of the county fund as a county-at-large charge and any expenses incurred under this Act by the council of a county borough shall be defrayed out of any rate or fund applicable for the purposes of the Public Health Acts (Northern Ireland), 1878 to 1949, or out of such other rate or fund as the Ministry of Health and Local Government may on the application of the council approve.

(2) Subject to the succeeding provisions of this Part of this Act any expenses incurred under or by virtue of this Act or the Adoption of Children Act (Northern Ireland), 1950, by a welfare authority shall, to such extent as they are not met out of grants payable to the authority under section one hundred and nineteen of this Act, be defrayed as if those functions had been conferred on them by the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland), 1946, and section twenty-five of that Act shall have effect accordingly.

1946, c. 19.

Grants and loans in respect of training schools.

116.—(1) The Ministry may pay grants of such amounts as the Ministry of Finance may approve towards so much of the expenditure incurred or to be incurred by the managers of a training school as is approved by the Ministry.

(2) Local authorities, managers of training schools and persons who are for the time being trustees thereof may borrow for the purposes of meeting expenditure incurred or to be incurred in respect of the purchase, erection, extension, alteration or equipment of training schools and loans may be made from the Government Loans Fund for those purposes and the Government Loans Acts (Northern Ireland), 1939 to 1948, shall have effect as if in sub-paragraph (*a*) of paragraph 3 of the First Schedule to the Government Loans Act (Northern Ireland), 1939, there were inserted after the words "for primary or secondary schools" the words "or for training schools within the meaning of the Children and Young Persons Act (Northern Ireland), 1950."

2 & 3 Geo. 6, c. 24.

(3) Grants payable under this section shall be paid at such times and in such manner and subject to such conditions as to records, certificates, audit or otherwise

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as the Ministry may, with the approval of the Ministry of Finance, determine.

(4) The conditions on which any sums are paid or loans are made under this section towards the expenditure incurred or to be incurred in connection with the provision of a site for, or with the purchase, erection, extension, alteration or equipment of, a training school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be a training school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying those conditions into effect, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

Grants for training in child care.

117.—(1) The Ministry with the consent of the Ministry of Finance may defray or contribute towards any fees or expenses incurred by persons undergoing training approved by the Ministry with a view to, or in the course of, their employment for the purposes of this Act, or of the Adoption of Children Act (Northern Ireland), 1950, or their employment by a voluntary organisation for similar purposes, and may with the like consent defray or contribute towards the cost of maintenance of persons undergoing such training.

(2) The Ministry may pay grants of such amounts, and subject to such conditions, as it may with the consent of the Ministry of Finance determine towards expenses incurred by any body of persons in providing courses suitable for persons undergoing training as aforesaid.

Grants to voluntary organisations.

118.—(1) The Ministry may pay grants of such amounts and subject to such conditions as it may with the consent of the Ministry of Finance determine towards expenses incurred or to be incurred by any voluntary organisation, in circumstances such that it appears to the Ministry requisite that the grants should be made,

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for improving premises in which voluntary homes are being carried on or the equipment of voluntary homes, or for securing that voluntary homes will be better provided with qualified staff.

(2) A welfare authority may, with the consent of the Ministry, make contributions to any voluntary organisation the object or primary object of which is to promote the welfare of children.

(3) The conditions on which any grants are paid under this section towards expenses incurred or to be incurred by any voluntary organisation may include conditions for securing the repayment in whole or in part of the sums paid in the event of the premises ceasing to be a voluntary home, and, notwithstanding anything in the constitution of the voluntary home or the voluntary organisation, or in the trusts, if any, to which the property of the home or of the organisation is subject, the trustees, or other persons having for the time being control or management of the said property, may accept such sums on those conditions and execute any instrument required for carrying those conditions into effect, and shall be bound by those conditions and by any instrument so executed, and have power to fulfil the conditions and the obligations created by the instrument.

Grants to welfare authorities.

119.—(1) The Ministry shall pay to a welfare authority in respect of each financial period grants towards the expenditure incurred by them during that period for the purpose of the discharge of their functions under this Act or the Adoption of Children Act (Northern Ireland), 1950, the amount of such grants to be determined by the Ministry with the consent of the Ministry of Finance but not to exceed in the aggregate the amount by which one-half of the expenditure so incurred is greater than the arrears, if any, of payments due in respect of that period by the welfare authority to the Ministry under the next succeeding sub-section.

(2) A welfare authority shall pay to the Ministry in respect of each financial period an amount equal to such proportion, not exceeding one-half, as the Ministry may with the consent of the Ministry of Finance determine, of so much of the expenditure incurred during that period by the Ministry under sections one hundred and

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seventeen and one hundred and eighteen of this Act as the Ministry may with the like consent allocate to that welfare authority.

(3) Any expenditure incurred after the fifth day of July, nineteen hundred and forty-eight, and before the date of commencement of this Part of this Act by a welfare authority under any enactment repealed by this Act for purposes similar to the purposes of any of the provisions of this Act shall be deemed to have been incurred by the authority in the initial financial period for the purposes of such provisions.

(4) Grants payable under this section shall be paid at such times and in such manner and subject to such conditions as to records, certificates, audit or otherwise as the Ministry may, with the approval of the Ministry of Finance, determine.

(5) In the calculation of the expenditure of a welfare authority for the purpose of ascertaining the amount of grant payable to them by the Ministry under this section in respect of any financial period the authority shall bring into account all sums received by them during that period under or by virtue of this Act, including sums reimbursed to the authority during that period under sub-section (4) of section eighty-one of this Act or under the next succeeding section.

(6) A welfare authority may as part of the expenditure incurred by them for the purposes of this Act make payments to any parent or guardian of, or other person connected with, a child in their care in respect of travelling, subsistence or other expenses incurred by the parent or guardian in visiting the child or attending his funeral if it appears to the authority that the parent, guardian or other person would not otherwise be able to visit the child or attend the funeral without undue hardship and that the circumstances warrant the making of the payments.

Reimbursement of welfare authority in respect of certain expenditure.

120. Where a child has been boarded out from a voluntary home under sub-section (2) of section one hundred and one, and where the Ministry is satisfied—

(*a*) that his ordinary place of residence in Northern Ireland cannot be determined; and

(*b*) that it has not been possible to make or enforce a contribution order under the succeeding provisions of this Part of this Act in respect of him;

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the Ministry may reimburse the welfare authority the whole of the expenditure incurred by the welfare authority in respect of his maintenance or otherwise in relation to him under this Act; but nothing in this section shall be construed as relieving any person from any liability imposed on him by this Act in respect of that child.

Contributions towards maintenance of certain children and young persons.

121.—(1) The provisions of this section and of the next two succeeding sections of this Act shall have effect in relation to—

(*a*) persons received into the care of a welfare authority under section eighty-one of this Act;

(*b*) children and young persons committed to the care of a fit person under Part III of this Act;

(*c*) children and young persons ordered to be sent to a training school under Part III of this Act.

(2) It shall be the duty of the father and mother of every such child or young person as aforesaid to make contributions in respect of him in accordance with the following provisions of this Part of this Act, but, in respect of a person to whom paragraph (*a*) of the preceding sub-section applies only so long as that person has not attained the age of sixteen.

(3) A person who has been received into the care of a welfare authority under section eighty-one of this Act and has attained the age of sixteen and is engaged in remunerative full-time work shall so long as he remains in the care of the welfare authority be liable to make such contributions in respect of himself as the welfare authority may determine.

(4) Where a child or young person has been committed to the care of a fit person, not being a welfare authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(5) Contributions under this section shall be payable—

(*a*) in respect of a person received into the care of a welfare authority under section eighty-one of this Act or of a child or young person committed to the care of a welfare authority

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as a fit person, to the welfare authority; and

(*b*) in respect of a child or young person ordered to be sent to a training school, to the council of the county or county borough within which the person liable to make the contributions is for the time being residing.

(6) Any sums received by the council of a county or county borough under paragraph (*b*) of the last preceding sub-section shall, subject to such deductions as may be prescribed in respect of services rendered by them, be paid over by them to the Ministry and of the amount so paid over—

(*a*) not less than one-half thereof shall be appropriated in aid of moneys provided by Parliament for the purposes of this Act; and

(*b*) there shall be paid to the council of each county or county borough so much of the remainder thereof as appears to the Ministry to relate to persons in respect of whom that council is liable to make contributions under section one hundred and twenty-six of this Act.

Contribution orders.

122.—(1) A court of summary jurisdiction, acting for the petty sessions district in which any person resides who under the last preceding section is liable to make contributions in respect of any person received into the care of a welfare authority under section eighty-one of this Act, may make an order requiring the person liable as aforesaid to pay such weekly sum on foot of those contributions as the court, having regard to his means, thinks fit.

(2) A court which makes an order committing a child or young person to the care of a fit person or sending him to a training school may at the same time, and any court of summary jurisdiction acting for the petty sessions district in which any person resides who under the last preceding section is liable to make contributions in respect of a child or young person, may subsequently at any time make an order requiring that person to pay such weekly sum on foot of those contributions as the court, having regard to his means, thinks fit.

(3) An order made under either of the two preceding sub-sections is in this Part of this Act referred to as a "contribution order" and the person against whom such order is made is in this Part of this Act referred to as a "contributor."

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(4) An application for a contribution order in respect of—

(*a*) a person received into the care of a welfare authority under section eighty-one of this Act or a child or young person committed to the care of a welfare authority as a fit person;

(*b*) a child or young person committed to the care of a fit person not being a welfare authority; or

(*c*) a child or young person ordered to be sent to a training school;

may respectively be made by the welfare authority, fit person or by the council of the county or county borough entitled to receive contributions after at least fourteen days' notice served by registered post on the person against whom the application is made.

(5) A contribution order may specify the period during which it is to remain in force and, unless such period is specified in the order, the order shall, subject to any variation or rescission thereof made by a court under the next succeeding sub-section, remain in force—

(*a*) where the order relates to a person received into the care of a welfare authority under section eighty-one of this Act, until he attains the age of sixteen;

(*b*) where the order relates to a child or young person committed to the care of a fit person, so long as the order for such committal remains in force; and

(*c*) where the order relates to a child or young person ordered to be sent to a training school, until he ceases to be under the care of the managers of such a school, so, however, that no contributions shall be payable under any such order in respect of any period during which he is out on licence or under supervision from the training school.

(6) Without prejudice to the powers conferred on the Minister under sub-section (1) of section one hundred and twenty-five of this Act to remit the whole or any part of any payment required to be made under a contribution order, a court of summary jurisdiction acting for the petty sessions district in which the contributor resides may, on the application of the welfare authority, council or other person entitled to receive

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contributions payable under a contribution order, after fourteen days' notice given to the contributor or on the application of the contributor after fourteen days' notice given to such welfare authority, council or other person as the case may be vary or rescind the contribution order.

(7) Where a contributor has not been present at the sitting of the court at which the contribution order is made, the contribution order shall be served on him in manner prescribed by rules of court and shall be binding on him unless within the time prescribed as aforesaid he makes an application to that court for the rescission or modification of the order on the ground that—

(*a*) he is not liable under the last preceding section ; or

(*b*) he is unable to contribute the sum specified in the order ;

and on hearing any such application the court may confirm the order with or without modifications, or may rescind it.

(8) A contribution order may be enforced in like manner as an order made under the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland), 1945, for the payment of any weekly or other sum, and accordingly the provisions of section six of that Act shall apply to the enforcement of a contribution order : 1945, c. 14.

Provided that where the contribution order was made by a court of assize or quarter sessions the said section six shall in its application for the purposes of the enforcement thereof have effect as if references therein to the same petty sessions district as the court which made the order were construed as references to any petty sessions district in the county or division of the county for which the court of assize or quarter sessions was held when it made the contribution order.

(9) A contributor shall give notice of any change of address to the welfare authority or council to whom he has been ordered to pay contributions under this section, and if without reasonable excuse he fails to give such notice he shall be liable on summary conviction to a fine not exceeding two pounds.

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(10) This section shall not have effect in respect of an illegitimate child or young person.

Affiliation payments.

123.—(1) This and the next succeeding section shall apply to any such children or young persons as are mentioned in sub-section (4) of the last preceding section who are illegitimate.

14&15Geo. 5, c. 27.

(2) Notwithstanding anything contained in sub-section (3) of section three of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924 (in the succeeding provisions of this Part of this Act referred to as " the Act of 1924 ") where an affiliation order is made or is in force (whether at or after the commencement of this Part of this Act) in respect of any child or young person to whom this section applies the court on making the order may, and any court of summary jurisdiction acting for the petty sessions district in which the putative father is for the time being residing may at any time subsequently, order the payments under the affiliation order to be made to the authority or person who if the child or young person were legitimate would be entitled to receive contributions under a contribution order, and all payments so made to that authority or person shall be applied in like manner as if they were made under a contribution order.

An application for an order under this sub-section in respect of a child or young person may be made by any authority or person by whom, and in the circumstances in which, an application might be made for a contribution order in respect of that child or young person if he were legitimate.

(3) Where an order made under this or the next succeeding section is in force—

(*a*) if the putative father changes his address, he shall forthwith give notice thereof to the person who immediately before the change was entitled to receive payments under the order, and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds;

(*b*) section eight of the Act of 1924 (which relates to the duties of collecting officers) shall not apply in relation to the affiliation order.

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(4) The making of an order under sub-section (2) of this section with respect to an affiliation order shall not, where the putative father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to a training school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under this Part of this Act to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the affiliation order to the person entitled to receive contributions.

(5) The making of an order under sub-section (2) of this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

(*a*) in respect of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force ;

(*b*) in respect of a child or young person ordered to be sent to a training school, after he has been released from his school, either absolutely, or on licence or under supervision :

Provided that, where an affiliation order would, but for the provisions of this sub-section, have continued in force, the mother, or any person entitled to make an application for an order under the Act of 1924 may apply to a court of summary jurisdiction acting for the petty sessions district in which she or he is for the time being residing, for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed by the law for the time being in force with respect to affiliation orders) as may be proper, and the court may make such an order accordingly ; and where such an order is so made, any power to vary, revoke or again revive the affiliation order or any part thereof, being a power which would but for the provisions of this sub-section be vested in the court which originally made the affiliation order, shall be exercisable by a court of summary jurisdiction acting for the same petty sessions district as the court which made the order under this sub-section.

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Power to apply for affiliation order.

124.—(1) If no affiliation order is in force with respect to any child or young person to whom this section applies, a welfare authority, or, as the case may be, a council, who if the child or young person were legitimate might apply for a contribution order in respect of him, may, subject to the provisions of the next succeeding sub-section, make application to a court of summary jurisdiction having jurisdiction in the place where either the mother or the putative father of the child or young person resides for a summons to be issued under section two of the Act of 1924. A welfare authority or council making an application under this sub-section is in this section referred to as " the applicant."

(2) Notwithstanding anything in any enactment limiting the time within which application may be made for an affiliation order, an application under the preceding sub-section may be made—

(*a*) in respect of a person received into the care of a welfare authority under section eighty-one of this Act, within three years from the time when he was received or last received into the care of that authority or of another welfare authority from whom the care of such person was taken over by such first-mentioned authority;

(*b*) in respect of a child or young person—

(i) committed to the care of a welfare authority as a fit person; or

(ii) ordered to be sent to a training school of which the managers are the applicant;

within three years from the coming into force of the relevant order;

(*c*) in respect of a child or young person with respect to whom a welfare authority are liable to make contributions to the managers of the training school where the child is, within three years from the coming into force of the relevant order.

(3) In any proceedings on an application under this section the court shall hear such evidence as the applicant may produce, in addition to the evidence required to be heard by sub-section (3) of section one of the Act of 1924, and shall in all other

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respects, but subject to the provisions of the next succeeding sub-section, proceed as on an application made under the said section two.

(4) An order made on an application under this section may, notwithstanding anything in sub-section (3) of section three of the Act of 1924, be so made as to provide that the payments or a part of the payments to be made thereunder shall be made to the applicant or to such other person as the court, in accordance with the provisions of the Act of 1924, may direct.

(5) Rules made under section ten of the Act of 1924 may make such provision as may be necessary or expedient for giving effect to the provisions of this and the last preceding section.

Miscellaneous provisions as to contribution orders etc.

125.—(1) The Minister may in his discretion remit the whole or any part of any payment ordered under either of the last three preceding sections to be made to a person entitled to receive contributions thereunder.

(2) Where, by virtue of an order made under any of the last three preceding sections, any sum is payable to the council of a county or county borough, the council of the county or county borough in which the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that county or county borough.

(3) In any proceedings under any of the last three preceding sections of this Act a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the last four preceding sections shall apply in relation to a training school order made on the application of a welfare authority in their capacity as such, but the sending of a child or young person to a training school under such an order shall not affect any contribution order made under this

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Act or any power of the welfare authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, he shall, while under the care of the managers of a training school, be deemed to be still maintained by the welfare authority.

Contributions by local authorities in respect of persons sent to training schools.

126.—(1) Subject to the provisions of this section, the local authority named in a training school order as being the authority within whose area the person to whom the order relates was resident, shall make in respect of him, throughout the time during which he is under the care of the managers of a training school, such contributions to the expenses of the managers of his school as may be prescribed, and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school. For the purposes of this sub-section the person to whom a training school order relates shall be presumed to have resided in the place where the offence was committed or the circumstances arose which rendered him liable to be sent to a training school, unless it is proved that he resided in some other place.

(2) A court by which a training school order is made shall cause a copy thereof to be served forthwith on the local authority named in the order, and if that authority desire to contend that the person to whom the order relates was resident in the area of some other local authority or was resident outside Northern Ireland they may, by notice in writing given at any time within three months after the service upon them of the order, apply for the variation of the order—

(*a*) if the order was made by a court of summary jurisdiction, to a court of summary jurisdiction acting for the same petty sessions district or place; and

(*b*) if the order was made by a court which was not a court of summary jurisdiction, to a court of summary jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial;

and if, upon the hearing of the application the court is satisfied that the person to whom the order relates was resident in the area of that other local authority, or was

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resident outside Northern Ireland, the court may by order vary the training school order by substituting therein the name of that other authority or, as the case may be, a statement that the said person was resident outside Northern Ireland.

Notice of any application under this sub-section shall be given to the other local authority concerned, if any, and to the clerk of the court, and the clerk of the court shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) Any person aggrieved by an order made under the last preceding sub-section, or by a refusal to make such an order, may appeal to a court of quarter sessions in the manner provided by Part VI of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, and, for the purposes of an appeal from such a refusal, the refusal shall be deemed to be an order. 25&26 Geo. 5, c. 13.

(4) An order made under this section by a court of summary jurisdiction or by a court of quarter sessions shall have effect retrospectively as from the making of the training school order, and all necessary payments by way of adjustment shall be made accordingly.

(5) The foregoing provisions of this section shall not apply in relation to a training school order which—

(*a*) is made on the application of a welfare authority in their capacity as such ; or

(*b*) is made by reason of the commission of an offence under section twenty of this Act ; or

(*c*) relates to a child or young person stated in the order to have been resident outside Northern Ireland ;

but in the first mentioned case the welfare authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

(i) persons under the care of the managers of a training school, not being persons out on licence or under supervision ;

(ii) persons out on licence or under supervision from a training school ;

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make such contributions in respect of him to the expenses of the managers of his school as the Ministry may determine to be reasonable, regard being had to the average expenses of the managers (including establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

(6) In determining for the purposes of this section the place of residence of a child or young person, regard shall not be had to any period during which he resided in any place either as an inmate of a school or other institution, or while boarded out under this Act by a welfare authority to whose care he has been committed, or in accordance with the requirements of a supervision order or a probation order or the conditions of a recognizance.

Variation of trusts for maintenance of child or young person.

127. 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 any 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.

PART IX.—MISCELLANEOUS AND GENERAL.

Child Welfare Council.

128.—(1) There shall be established as soon as may be after the passing of this Act a body to be known as the Child Welfare Council (in this section referred to as "the Council") and charged with the duty of—

(*a*) advising the Ministry upon any matter referred to them by the Ministry in connection with the performance by the Ministry of its functions under this Act or under the Adoption of Children Act (Northern Ireland), 1950;

(*b*) making representations to the Ministry with respect to any matter affecting the welfare of children and young persons.

(2) The Council shall consist of a chairman and such other members appointed by the Minister as the Minister thinks fit, of whom the majority shall be persons

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appointed as being specially qualified to advise upon matters relating to the welfare of children; and the Council shall include members having such other qualifications as appear to the Minister to be requisite or desirable for the purpose of securing the efficient performance by the Council of their functions under this Act.

(3) The term of office of members of the Council shall be such as the Minister shall determine; but a member may resign his membership by giving to the Minister notice in writing signed by him; and the Minister may terminate the appointment of any member by giving to that member notice in writing to that effect.

(4) The Ministry may nominate one of its officers to act as secretary to the Council.

(5) The Council may regulate their own quorum and procedure.

(6) The Ministry with the consent of the Ministry of Finance may pay to any member of the Council the amount of any reasonable out-of-pocket expenses incurred by him in connection with the business of the Council.

Inquiries and investigations.

129.—(1) The Ministry may from time to time cause such local inquiries to be held or such investigations to be made as the Ministry sees fit in relation to any matters concerning the performance by any authority of any functions which under or by virtue of any of the provisions of this Act or the Adoption of Children Act (Northern Ireland), 1950, are to or may be performed by that authority.

(2) For the purposes of such inquiries the provisions of section sixty-five of and the Seventh Schedule to the Health Services Act (Northern Ireland), 1948 (which relate to inquiries) shall have effect in relation to the Ministry as the said provisions have effect for the purposes of inquiries in connection with matters arising under that Act in relation to the Ministry of Health and Local Government.

(3) If after such inquiry the Ministry is satisfied that there has been any failure on the part of the authority to perform any such function as aforesaid, the Ministry may make an order declaring that authority to be in default and directing them for the purpose of remedying the default to take such action within such time or times as may be specified in the order.

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(4) If the authority so declared to be in default by such an order fail to comply with any requirement thereof within the time specified thereby for compliance with that requirement the Ministry may make such arrangements for the due performance of that function as appear to the Ministry to be necessary or expedient. Any expenses (including administrative expenses) incurred by the Ministry in the making or carrying out of such last-mentioned arrangements may be recovered by deduction from the amount of any grant payable by the Ministry to the authority under this Act, and shall, to such extent as they are not so recovered, be recoverable by the Ministry as a civil debt due to it by that authority.

(5) Nothing in this section shall affect any existing rule of law or the provisions of any other enactment relating to the enforcement of a statutory duty whether under that enactment or otherwise.

(6) In this section the expression "authority" includes a welfare authority, a local authority and any committee of a welfare authority or local authority, and any other body or association of persons whether corporate or unincorporate performing for the time being any functions regulated under or by virtue of this Act or the Adoption of Children Act (Northern Ireland), 1950.

Presumption and determination of age.

130.—(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.

(2) Where in any charge or indictment for any 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 had attained any specified age, and he appears to the

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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 to have attained 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 to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any 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.

131. 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 evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Application of Summary Jurisdiction Acts.

132. Subject to the provisions of this Act, all orders of a court of summary jurisdiction 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 (Northern Ireland).

Appeals to quarter sessions.

133.—(1) An appeal to a court of quarter sessions from an order of a court of summary jurisdiction under this Act may be brought under and in accordance with the provisions of Part VI of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, in any of the following cases and by the following persons respectively, that is to say—

(*a*) from an order committing a child or young person to the care of a fit person, a training

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school order or a supervision order, by the child or young person or his parent or guardian on his behalf;

(*b*) from an order requiring a person to enter into a recognizance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognizance;

(*c*) from a contribution order, by the contributor;

(*d*) from an order made under section one hundred and twenty-seven, by any person aggrieved thereby.

(2) Nothing in this section shall be construed as affecting any right of appeal to a court of quarter sessions or any other right of appeal conferred by any other enactment (including an enactment contained in this Act).

Rules and regulations.

134.—(1) The Ministry may, with the approval of the Lord Chief Justice of Northern Ireland, make rules for prescribing the procedure to be followed and the forms to be used for the purposes of proceedings under or in consequence of Part III of this Act.

(2) The Ministry may make regulations providing for any matter in regard to which regulations may be made under this Act and generally for the purposes of carrying this Act into effect.

(3) All regulations made under this Act shall be laid before each House of Parliament as soon as may be after they are made and if either such House, within the statutory period next after the day on which such regulations are laid before it, resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

For the purposes of this sub-section the expression "statutory period" means a period comprising ten days at least on which the Senate or the House of Commons (as the case may require) has sat, but not being in any case shorter in duration than twenty days, such days being reckoned without regard to whether they are comprised in one or in more than one session of Parliament.

Variation of orders.

135. An order under this Act may be revoked or varied by any subsequent order.

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Power of Ministry to appoint inspectors.

136. The Ministry may appoint for the purposes of the enactments relating to children and young persons (including this Act) such number of inspectors (being persons having special qualifications or experience in the care of children) as the Ministry of Finance may approve, and may pay to the person so appointed such remuneration and allowances as the Ministry may with the consent of the Ministry of Finance determine, and they shall perform such duties as the Ministry may from time to time direct. Any inspector appointed under this section may enter any place where a child is maintained under the provisions of this Act, and sub-section (2) and sub-section (3) of section one hundred and two of this Act which relates to the power of the Ministry to inspect voluntary homes shall extend in like manner to any place other than a voluntary home in which a child is maintained under this Act.

Provisions as to documents, etc.

137.—(1) A document purporting to be a copy—

(*a*) of an order made by a court under or by virtue of any of the provisions of this Act ; or

(*b*) of an order made after the commencement of this Act under section thirty-eight of the Education Act (Northern Ireland), 1947, sending a person to a training school or committing him to the care of a fit person ; or

(*c*) of an affiliation order ;

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(2) The production of a copy of the Belfast Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of a training 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 surrender of such a certificate, and the grant of a certificate of approval of a training 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 authenticated as such by the seal of the Ministry.

(3) Any notice or other document required or authorised by this Act to be served on the managers of a training school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either

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personally or by post upon any one of the managers, or their secretary, or the person for the time being in charge of the school.

(4) An order, licence, or other document may be authenticated on behalf of the managers of a training school, if they are a local authority or a joint committee representing two or more local authorities by the signature of their clerk or some other officer of the local authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the person for the time being in charge.

Interpretation.

138.—(1) In this Act, unless the contrary intention appears the following expressions have the meanings hereby respectively assigned to them, that is to say—

" Act of 1908 " means the Children Act, 1908 ;

" child " except when used in Parts IV, V and VI of this Act means a person under the age of fourteen and when used in Parts IV, V and VI of this Act means a person under the age of eighteen ;

" constable " includes any officer, head-constable, sergeant, constable or other member of the Royal Ulster Constabulary ;

" enactment " includes any provision in any Act of the Parliament of Northern Ireland or of the Parliament of the United Kingdom, whether public general, local or private, and any provision in any order in council, order, regulation or other instrument having effect by virtue of any such Act ;

" functions " includes powers and duties ;

" guardian " in relation to a child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person ;

" in need of care or protection " has the meaning assigned to it by section sixty-two of this Act ;

" intoxicating liquor " means any fermented, distilled or spirituous liquor which under the law for the time being in force is subject to an excise duty ;

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" local authority " means the council of any county or county borough;

" managers," in relation to a training school established or taken over by a local authority or by a joint committee representing two or more local authorities, means the local authority or the joint committee as the case may be, and in relation to any other training school, means the persons for the time being having the management or control thereof ;

" Ministry " means the Ministry of Home Affairs for Northern Ireland and the expression " Minister " shall be construed accordingly ;

" parent," in relation to any child or young person, or other person—

(*a*) who is illegitimate, includes his putative father ;

(*b*) who has been adopted in pursuance of any enactment, means the person or persons by whom he has been adopted, or last adopted, to the exclusion of his natural parents ;

" place of safety " means any remand home, any home provided by a welfare authority under Part IV of this Act, or constabulary station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive a child or young person ;

" police officer " means a district inspector of the Royal Ulster Constabulary, or head-constable thereof acting on his behalf ;

" prescribed " means prescribed by regulations made by the Ministry.

" probation order " has the same meaning as in the Probation Act (Northern Ireland), 1950 ;

" 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 ;

" relative " means a grandparent, brother, sister, uncle, or aunt, whether by consanguinity or affinity, or in consequence of adoption and, in relation to an illegitimate child, a person who would be so related if the child were legitimate ;

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" remand home " means a remand home registered under Part VII of this Act ;

" street " includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

" supervision order " has the meaning assigned to that expression by section sixty-three of this Act ;

" training school " means a school approved by the Ministry under section one hundred and six of this Act ;

" training school order " means an order made by a court sending a child or young person to a training school ;

" upper limit of compulsory school age " means the age at which under the law for the time being in force the parents of a person cease to be under an obligation to cause him, unless there is some reasonable excuse, to attend school ;

" young person " means a person who has attained the age of fourteen and is under the age of seventeen.

(2) References in this Act to findings of guilt and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(3) References in this Act to the age of any person are expressed in years.

(4) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

(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.

Transitory provisions.

139.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by this Act.

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(2) References in any Act to places of detention provided under section one hundred and eight of the Act of 1908 shall be construed as references to remand homes provided under this Act.

(3) References in any Act, instrument or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to training schools and to children and young persons sent thereto or detained therein, and references in any Act, instrument or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the Act of 1908 shall be construed as including references to orders of the like nature made under this Act.

(4) References in any Act, instrument or other document to juvenile courts under the Act of 1908 shall be construed as including references to such courts under this Act.

(5) References in any Act, instrument or other document to any enactment repealed and re-enacted with or without modifications by this Act shall be construed as including references to the corresponding provision of this Act.

(6) The references in the First Schedule to this Act to any offence under sections eleven, twelve, fourteen, fifteen, twenty-one or twenty-four of this Act shall be construed as including a reference to any offence under the Dangerous Performances Acts, 1879 and 1897, or under Part II of the Act of 1908. 42 & 43 Vict., c. 34. 60 & 61 Vict., c. 52.

140. The amendments specified in the second column of the Sixth Schedule to this Act (being amendments consequential upon the passing of this Act) shall be made in the enactments respectively specified in the first column of that Schedule. Consequential Amendments.

141.—(1) The enactments set forth in Part II of the Second Schedule to the Welfare Services Act (Northern Ireland) 1949, being enactments of the existing poor law which were repealed by sub-section (4) of section thirty-four of that Act except in so far as they relate to children within the meaning of that Act are hereby repealed so far as they relate to such children. Repeals.

(2) The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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Short title and commencement.

142.—(1) This Act may be cited as the Children and Young Persons Act (Northern Ireland), 1950.

(2) This section shall come into operation on the passing of this Act and any other provisions of this Act shall come into operation on such day as the Ministry may appoint and different days may be appointed for different purposes or different provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

Sections 28, 29, 30, 42, 43, 44, 45, 62, 64, 70, 130, 139.

OFFENCES AGAINST CHILDREN AND YOUNG PERSONS WITH RESPECT TO WHICH SPECIAL PROVISIONS OF THIS ACT APPLY.

The murder or manslaughter of a child or young person; infanticide.

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

24 & 25 Vict., c. 100.

Any offence under the Punishment of Incest Act, 1908, in respect of a child or young person.

Any offence under sections eleven, twelve, fourteen, fifteen, twenty-one and twenty-four of this Act.

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

SECOND SCHEDULE.

Section 47.

Constitution of Juvenile Courts.

1. For the purposes of this Act there shall be formed in each county and county borough a panel of persons having special qualifications for dealing with juvenile cases, and the Governor of Northern Ireland shall appoint persons as members of such panels, and such persons shall hold office for such terms as may be specified in the instrument appointing them but may be appointed for a second or subsequent term.

2. Subject to the provisions of the next succeeding paragraph, a juvenile court shall be constituted of a resident magistrate who shall be chairman and two persons selected from such panel as aforesaid of whom one at least shall be a woman.

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3. A juvenile court at which the chairman is present shall have power to act notwithstanding that any other member fails to attend and remain present during the sitting of the court and all acts done by the court shall notwithstanding any such failure be as valid as if that member had so attended and remained.

4.—(1) The decision of a juvenile court upon any matter before it shall be by a majority of the members and shall be pronounced by the chairman,or other member at the request of the chairman, and no other member of the court shall make any separate pronouncement thereon :

Provided that where the chairman and one other member only attend and remain present during the sitting of the court the decision of the court shall in the event of disagreement between the chairman and that other member be the decision of the chairman and shall be pronounced by the chairman.

(2) Where during or after the hearing and before the determination of any matter before a juvenile court it appears to the chairman that there is, or is likely to be, any difference of opinion between the members,he shall cause the deliberations of the court upon that matter to be conducted in private, and may if he thinks fit adjourn the case for that purpose.

5. The clerk of petty sessions for the petty sessions district in which a juvenile court sits, or his deputy, shall be the clerk of that court.

6. Regulations made by the Ministry shall—

(*a*) make provision for selecting the members of a panel who are to take part in the constitution of juvenile courts ;

(*b*) designate the areas (each comprising one or more than one petty sessions district) in which the several juvenile courts are to exercise jurisdiction ;

(*c*) provide for anything which is necessary or expedient for giving due effect to the provisions of this Act.

THIRD SCHEDULE.

Sections 100, 104.

Appeal Tribunals.

Constitution and Meetings.

1. An Appeal Tribunal shall consist of the following members, that is to say :—

A chairman, who shall be a practising barrister-at-law of not less than seven years' standing, appointed by the Lord Chief Justice of Northern Ireland ;

A member having experience in children's welfare work appointed by the Minister ;

A member appointed by the Minister on the recommendation of the Northern Ireland Branch of the British Medical Association.

2. An officer of a Government department shall not be appointed a member of an Appeal Tribunal.

3. Any decision of an Appeal Tribunal shall be made by the chairman after consultation with the other members.

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Supplemental.

4. An Appeal Tribunal may give directions with respect to the practice and procedure to be followed in any proceedings before the Tribunal and anything incidental to or consequential on such proceedings.

5. The Ministry may nominate one of its officers to act as clerk of an Appeal Tribunal.

Sections 107, 109.

FOURTH SCHEDULE.

PROVISIONS AS TO ADMINISTRATION OF TRAINING SCHOOLS AND TREATMENT OF PERSONS SENT THERETO.

General Provisions.

1. The Ministry may make rules for the management and discipline of training schools, and different rules may be made as respects different schools or classes of schools.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of a training school shall be made without the approval in writing of the Ministry.

Treatment of Pupils.

3. A minister of the religious persuasion to which a person in a training school belongs may visit him at the school on such days, at such times and on such conditions as may be fixed by rules made by the Ministry, for the purpose of affording him religious assistance and instruction.

4. If it appears to the managers of a training school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section thirty-seven of the Mental Health Act (Northern Ireland), 1948, be deemed to be detained in the school.

Power to Place out Pupils.

5. At any time during the period of a person's detention in a training school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such period he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

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6.—(1) At any time during the period of a person's detention in a training school the managers of the school may and, if the Ministry so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him :

Provided that, without the consent of the Ministry, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Ministry shall through its inspectors review the progress made by persons detained in training schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from a training school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of a training school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Ministry, arrange for his emigration.

Before exercising their powers under this paragraph the managers shall, where it is practicable so to do, consult with the parents of the person concerned.

Misconduct of Pupils.

8. If a person detained in a training school is guilty of serious misconduct, the managers, if authorised by the Ministry so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in a training school) order him—

(*a*) if he is under the age of sixteen, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct ; or

(*b*) if he has attained the age of sixteen but is under the age of seventeen, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years ; or

(*c*) if he has attained the age of seventeen, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

Discharge and Transfer.

9.—(1) The Minister may at any time order a person under the care of the managers of a training school to be discharged, or to be transferred to the care of the managers of another school.

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(2) Upon a person being so discharged or transferred as aforesaid, the Ministry shall cause notice to be sent to the local authority liable to make contributions in respect of him.

10. The provisions of section seventy-two of this Act shall apply in relation to the transfer of persons to training schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in a training school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

Powers and duties of Managers and other Persons in Charge of Pupils.

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of a training school be vested in them :

Provided that, where a person out on licence or under supervision from a training school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living ; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of a training school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

(*a*) is authorised by the managers of a training school to take charge of a person under their care, or to apprehend such a person and bring him back to the school ; or

(*b*) is authorised by a local or welfare authority or, being a probation officer, is authorised by a court, to take to a training school a person ordered to be detained therein ;

shall, for the purposes of his duty as aforesaid have all the powers, protection, and privileges of a constable.

Superannuation of Officers.

14. The managers of any training school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(*a*) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body ;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer ;

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(iii) to any dependant of an officer who has died in the service of the school:

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Ministry with the concurrence of the Ministry of Finance for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Ministry.

FIFTH SCHEDULE.

Sections 107, 139.

TRANSITORY PROVISIONS.

1. Any Order in Council, order, or regulation made, any certificate given, any deposition taken and anything done under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done under the corresponding provisions of this Act.

2. Any rule, warrant or licence under any enactment repealed by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act.

3. Where immediately before the commencement of Part I of this Act the keeping of any children in any premises was lawful under the provisions of the Act of 1908, as amended by the Children (Amendment) Act (Northern Ireland), 1931, limiting the number of children who may be so kept, a person shall not be guilty of an offence under the said provisions by reason only that the number of children kept by him in those premises exceeds the number which by virtue of this Act may lawfully be kept therein, so long as—

(*a*) any conditions imposed under the said provisions are complied with, and

(*b*) no child is kept in the premises who was not kept there immediately before the commencement of Part I of this Act.

4. Any person who at the commencement of Part III of this Act is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

5. Nothing in this Act shall render invalid any summons pending at the commencement of Part III of this Act for bringing a child or young person before a court of summary jurisdiction with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

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6. Where before the commencement of Part III of this Act an order has been made under the Act of 1908 committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order were an order made under this Act :

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if this Act had not passed.

7. This Act shall apply in relation to a school which at the commencement of this Act was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

8. Where a child or young person had at the commencement of Part III of this Act been ordered to be sent to a certified school but has not reached the school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to a school, and with respect to his custody in the meantime, as might have been had or done if that Part of this Act had not passed.

9. Subject to the provisions of this Schedule this Act shall apply in relation to persons who at or after the commencement of Part VII of this Act are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, a training school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in training schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if this Act had not passed.

10. Where a child or young person has before the commencement of Part III of this Act been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under a training school order and they were the local authority named in that order as being the authority within whose area he was resident ; and if in any such case as aforesaid—

(*a*) it had not been determined at the commencement of Part III of this Act who are the authority who are responsible as aforesaid ; or

(*b*) proceedings might but for the passing of this Act have been had for varying a determination as to that question ;

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if this Act had not passed.

11. Where a child or young person has before the commencement of Part III of this Act been ordered to be sent to a certified school at the instance of a welfare authority, or a board of guardians whose

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functions in respect of him have been transferred to a welfare authority the welfare authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of a training school order made on their application in their capacity as a welfare authority.

12. Where before the commencement of Part III of this Act a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school, and an order is in force at the commencement of that Part requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the inspector of reformatory and industrial schools it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

13. Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

(*a*) if the managers are a local authority, as if he had been committed under this Act to the care of a welfare authority and had been boarded out by them under Part V of this Act;

(*b*) if the managers are not a local authority, as if he were out on licence from the school.

14. Where before the commencement of Part III of this Act a child or young person has entered into a recognizance under the proviso to sub-section (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section sixty-seven of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the recognizance shall cease to have effect.

15. The repeal by this Act of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

16.—(1) Where immediately before the commencement of Part I of this Act, a child was being relieved by a welfare authority under the enactments relating to the relief of the poor, the provisions of this Act shall apply to him as if, at the commencement of parts IV and V of this Act, he were in the care of the authority under section eighty-one thereof:

Provided that if the child has then attained the age of sixteen, or is being relieved under the Welfare Services Act (Northern Ireland), 1949, together with a parent or other person in charge of him who has attained that age this paragraph shall not apply if it appears to the authority more appropriate that the child should be treated as a person for whom assistance is being provided under the National Assistance Act (Northern Ireland), 1948, or for whom together with a parent or

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other person in charge of him accommodation is being provided under the Welfare Services Act (Northern Ireland), 1949.

(2) If, immediately before the commencement of Parts IV and V of this Act, the cost of the relief referred to in the last preceding sub-paragraph was recoverable by the welfare authority therein referred to from another welfare authority, the provisions of sub-section (4) of section eighty-one of this Act shall apply to the child as if the first-named authority had received him into their care as a child ordinarily resident in the area of the other authority.

52 & 53 Vict., c. 56. 55 & 56 Vict., c. 5.

17. Where, immediately before the commencement of Parts IV and V of this Act, a resolution passed under section one of the Poor Law Act, 1889, as extended to Ireland by the Poor Law (Ireland) Act, 1892, was in force with respect to a child, it shall, as from such commencement, be deemed to be a parental rights order made under section eighty-two of this Act by a juvenile court.

61 & 62 Vict., c. 30.

18. Anything done before the commencement of Parts IV and V of this Act under any order made under the Pauper Children (Ireland) Act, 1898, being an order or regulations relating to the boarding-out of children and in force immediately before the commencement of those Parts, shall be deemed to have been done under the corresponding provision of this Act.

19. Any land which immediately before the commencement of this Act was held by a welfare authority solely for the purposes of a children's home shall be deemed to have been acquired and held by them under this Act for the purposes of a home to be provided under Part V of this Act.

SIXTH SCHEDULE.

Section 140.

Consequential Amendments.

Enactment.	*Amendment thereof.*
The Criminal Law Amendment Act (Northern Ireland), 1923 (13 & 14 Geo. 5, c. 8).	In sections one and two for the word "sixteen" substitute the word "seventeen."
The Criminal Evidence Act (Northern Ireland), 1923 (13 & 14 Geo. 5, c. 9).	In the First Schedule, for the reference to Part II of and the First Schedule to the Act of 1908 there shall be substituted a reference to Part II of and the First Schedule to this Act.
The Education Act (Northern Ireland), 1923 (13 & 14 Geo. 5, c. 21).	In sub-section (4) of section forty for the words "twenty-two and twenty-three of the Children Act, 1908" substitute the words "seventy-nine and eighty of the Children and Young Persons Act (Northern Ireland), 1950."
The Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924 (14 & 15 Geo. 5, c. 27).	At the end of sub-section (2) of section two add the words "or may be made pursuant to section twelve of the Welfare Services Act (Northern Ireland), 1949, or pursuant to section one hundred and twenty-four of the Children and Young Persons Act (Northern Ireland), 1950, by a welfare authority or council authorised in that behalf".

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Enactment.	*Amendment thereof.*
The Malone Training School Act (Northern Ireland), 1926 (16 & 17 Geo. 5, c. 22).	Section one— in sub-section (1) insert at the beginning the words "Subject to the following provisions of this section." in paragraph (*b*) of sub-section (2)— for the words from "shall continue" to "1908" there shall be substituted the words "be a training school for the purposes of the Children and Young Persons Act (Northern Ireland), 1950"; and at the end of the paragraph there shall be added the words "and the agreement scheduled to this Act shall have effect accordingly;" for sub-section (3) there shall be substituted the following sub-section:— "(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*) Section one hundred and twenty-six of the Children and Young Persons Act (Northern Ireland), 1950, shall not apply. (*b*) 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." 8 Edw. 7, c. 59. Section three— in sub-section (3) for the words "under Part IV of the Children Act, 1908" there shall be substituted the words "under the Children and Young Persons Act (Northern Ireland), 1950."
The Indictments Act (Northern Ireland), 1945 (1945, c. 16).	In the First Schedule— in Rule 12, for the words "sub-section (4) of section thirty-two of the Children Act, 1908" there shall be substituted the words "sub-section (4) of section twenty-nine of the Children and Young Persons Act (Northern Ireland), 1950." in Form 6 in the Appendix to the Rules, for the words "section 12 of the Children Act, 1908" there shall be substituted the words "section 11 of the Children and Young Persons Act (Northern Ireland), 1950."

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Enactment.		*Amendment thereof.*
The Family Allowances Act (Northern Ireland), 1945 (1945, c. 19).	Exclusion of children removed from control of parents.	For section eleven substitute the following section :—

11.—(1) A child shall not for the purposes of this Act, be treated as included in any family as respects any period—

(*a*) during which his or her detention in a training school is authorised under or by virtue of any provision of the Children and Young Persons Act (Northern Ireland), 1950, or under or by virtue of section thirty-eight of the Education Act (Northern Ireland), 1947, and the child is not absent from the school on licence ;

(*b*) during which there is in force an order under the said Children and Young Persons Act (Northern Ireland), 1950, committing the child to custody in any place to which he or she may be committed on remand ; and

(*c*) during which the child is liable to be detained by virtue of section fifty-five of the said Children and Young Persons Act (Northern Ireland), 1950, and is not discharged on licence.

(2) A child shall not, for the purposes of this Act, be treated as included in any family as respects any period during which there is in force an order under the said Children and Young Persons Act (Northern Ireland), 1950, committing him or her to the care of a welfare authority.

(3) A child in respect of whom there is in force a parental rights order made under section eighty-two of the Children and Young Persons Act, (Northern Ireland), 1950, shall not for the purposes of this Act, be treated as included in any family :

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Enactment.	*Amendment thereof.*
The Family Allowances Act (Northern Ireland), 1945—*contd.*	Provided that this sub-section shall not have effect as respects any period during which the child is, under section eighty-four of the said Act, allowed by the welfare authority, or directed, to be, either for a fixed period or otherwise, under the control of a parent, guardian, relative, next of kin or friend of the child. (4) For the avoidance of doubt it is hereby declared that references in this section to a parental rights order include references to any resolution which by virtue of any provision in the Children and Young Persons Act (Northern Ireland), 1950, is deemed as from the commencement of that Act to be a parental rights order.
The Perjury Act (Northern Ireland), 1946 (1946, c. 13).	In sub-section (2) of section thirteen, for the words " the Children Act, 1908 " there shall be substituted the words " the Children and Young Persons Act (Northern Ireland), 1950."

SEVENTH SCHEDULE.

Section 141.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict., c. 92.	The Poor Relief (Ireland) Act, 1843.	Section fourteen.
10 & 11 Vict., c. 84.	The Vagrancy (Ireland) Act, 1847.	In section three the words "or causing or procuring or encouraging any child or children so to do."
25 & 26 Vict., c. 83.	The Poor Relief (Ireland) Act, 1862.	Sections eight and eleven.
31 & 32 Vict., c. 59.	The Irish Reformatory Schools Act, 1868.	Section twenty-five.
42 & 43 Vict., c. 34.	The Children's Dangerous Performances Act, 1879.	The whole Act.
45 & 46 Vict., c. 75.	The Married Women's Property Act, 1882.	Section twenty-one.

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Session and Chapter.	Short Title.	Extent of Repeal.
47 & 48 Vict., c. 19.	The Summary Jurisdiction over Children (Ireland) Act, 1884.	The whole Act.
52 & 53 Vict., c. 56.	The Poor Law Act, 1889.	The whole Act so far as it is in force in Northern Ireland.
55 & 56 Vict., c. 5.	The Poor Law (Ireland) Act, 1892.	The whole Act.
60 & 61 Vict., c. 52.	The Dangerous Performances Act, 1897.	The whole Act.
61 & 62 Vict., c. 30.	The Pauper Children (Ireland) Act, 1898.	The whole Act.
62 & 63 Vict., c. 37.	The Poor Law Act, 1899.	The whole Act, so far as it is in force in Northern Ireland.
2 Edw. 7, c. 16.	The Pauper Children (Ireland) Act, 1902.	The whole Act.
8 Edw. 7, c. 59.	The Prevention of Crime Act, 1908.	Section two.
8 Edw. 7, c. 67.	The Children Act, 1908.	The whole Act.
10 Edw. 7 & 1 Geo. 5, c. 25.	The Children Act (1908) Amendment Act, 1910.	The whole Act.
4 & 5 Geo. 5, c. 58.	The Criminal Justice Administration Act, 1914.	Sub-section (2) of section twenty-eight.
16 & 17 Geo. 5. c. 22.	The Malone Training School Act (Northern Ireland), 1926.	In section one, paragraph (*e*) of sub-section (3). In sub-section (3) of section three, the words from " and shall " to the end of the sub-section.
21 & 22 Geo. 5. c. 5.	Children Amendment Act (Northern Ireland), 1931.	The whole Act.

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Session or Year and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 31.	The Criminal Justice Act (Northern Ireland), 1933.	Section two.
25 & 26 Geo. 5. c. 13.	The Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935.	Section thirteen.
6 & 7 Geo. 6. c. 16.	The Children (Juvenile Courts) Act (Northern Ireland), 1942.	The whole Act.
1945, c. 15.	The Criminal Justice Act (Northern Ireland), 1945.	Section thirty-one.
1946, c. 7.	The Shops Act (Northern Ireland), 1946.	In sub-section (1) of section twenty-nine the words from "and particulars" to the end of the sub-section.
1947, c. 3.	The Education Act (Northern Ireland), 1947.	Sub-section (5) of section thirty-eight. So much of Schedule VII as relates to Act of 1908.

1950. Chapter 6.

An Act to amend the law relating to the adoption of infants; to regulate the making of arrangements by adoption societies and other persons in connection with the adoption of infants; to restrict further the making and receipt of payments in connection with the adoption of infants; and for purposes connected with the matters aforesaid. [14th February, 1950.]

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:—