

Mon 14th Sept.

Usual Ring - Same - Chapel. Breakfast.

School - Nothing unusual. Free period

at 11.00. - Over to Bro [redacted] class.

A few girls - Bro [redacted] in yard

[redacted] for

Sister and Sr [redacted] Talked for 10 mins.

Dinner - Out with Pr. S. A. - Folders -

72 New desks arrive - Down field after

tea. Hubby with big lads. - good crowd.

Absent. [redacted]

[redacted]

Bro BR 12 complains

boys on roof of cattle shed. Down in

field retrieving ball. Bro BR 15 in

bed with back. - Bro BR 3 takes

Supper. - Sr. Francis goes out with

lms for evening. Bed at 9.30.

[redacted] - Bro BR 4 in gym.

Letter home + [redacted] (Castowella)

Tues. ~~15th~~ 15th Sept.

Rising - chapel - breakfast - nothing unusual
Bro. Stephens up - School. Rang Glaston 10.50 -

Art Course tonight 7.00. Dinner

[redacted] Sen. Inspector in dining afternoon
at 3.00 Examining school. Sen. [redacted] away

[redacted] in class. Bro. BR 6 makes
excuse. Hurling match after school in
field. Sent off H. [redacted]
retaliation - Not down [redacted]

Mass at 5.30 - Our Lady of Dolours
Little sermon from Father DL 140 After

Supper ready for Art Course - Over to
Glaston at 7.30. Thunk pot pottery
Left at 9.10 - Met Mr. [redacted]

Leader) when leaving. Anxious for a
game of T. Tennis. Two days or
Thursday. [redacted]
down in [redacted] Back at 9.15

Wed 16th Sept.

Rising 6.15 - Cup of tea - Shave - chapel - Men
breakfast - School. Dr. [redacted] away
in Dublin. [redacted] Teacher in his class.

this last day. Put up list of groups for
field games. [redacted] strange in morning.

Pr. 5.3 for Art - Pictures out of books.

Started to rain - called off game in fields.

Bro **BR 4** takes boys in gym.

I convert height measure into centimetres.

All evening job - or couple of games of

Tennis. Supper - After supper - discussion
about [redacted] meeting. Down at 7 sharp.

with **BR 15** & **SR 32** Bro [redacted]

left in complete charge. All down except

Bro **BR 12** & [redacted] Meeting inconclusive.

views aired - uncomfortable stand - beer tea

etc. broke up at 9.00 - Boys in

chapel - Bed 9.45.

Thurs 17th Sept.

Rising 4.15 - Shore. Tea chapel 6.48

Morn breakfast. Slight headache.

Rural Scene close damp. Bros **BR 6**

and [redacted] go off at 2.00 PM.
for Castlebar. Bro [redacted] dead

R.I.P. Fe. 4.B. - Art - Pictures from
books. Fe. 2 - Hamptly Dimpley.

Drizzle begins at 3.30. Down
field for hurley with Junior.

[redacted]
[redacted]
after match. "See you after". Sister
away back for supp. [redacted]

Stays in and gets things ready.

[redacted] aggravating this
evening - annoying tactics. [redacted]

& [redacted] get cane from Bro [redacted]

- Up in Bro. **BR 12** field - corners.

[redacted] goes off at 2.30. Home.
Put Nails in T. Tennis door.

Sen
Mon 20th Sept.

Fri. Bro. **BR 3** has boys cleaning up
classroom - Dawn field after school - Group I
not all there - want to work with Bro.

BR 3 No. - T. Morley. Bro. **BR 6** arrives
with his mother, sister & husband. Boys out
from Chabot.

Sat. Swept & mopped T.T. Room.
Duty - 2-6 Bro. **BR 4** in gym 3-30 Bro.
Cilba - walk Boys down at Ruben corner.
Slapped [redacted] in Bro. **BR 12** field [redacted]
son & fiancée down.

Sunday Sermon on humility - walk to Grasha
with Bro. **BR 3** in morning. Took boys in
House for dinner duty - 11 boys - Over to
[redacted] Ph with 4 boys - 11.14 hurley
Antin & Down. P. Martin & J. Close go back
on their own. An American from Chicago
visits Home - bald - 6'-6" Note from
[redacted] [redacted]

have been around.

Mon 21 st Sept.

Rising at 2.30 - late. Shore - chapel breakfast
School. Catching Roon 3 - Maltis.

Decimal Currency - Change 10p - 5p. etc.

Pro. **BR 6** - Maps - Form E Addition

Division -

Dinner - Art & A - The Story of Icarus
Name in letters. Form E -

individual expression. Tea - Down field
for hockey - Group I.

Quite good match - Mass - Supper - Time
6 bags for supper swimming. Up to chalet.

Sister **BR 6** the new stereo from Cabre
Band & gym. Sister brings

to Doctor - To be X Rayed. Rest
finally - hours. Gave Sister

to be Typed this morning.

Tues 22 Sept.

Rising - Mon - Breakfast as usual. - Fr. Loy
 takes my class for Catechism (1st time). Form 2
 Decimal Currency. - Conversion - Form 5 Additive
 Short Division. - Sing - Bro. Albert. Dinner
 Form 1 & 2 finished Paintings from N. Books. Form 2
 'Joan's'. Stopped lesson papers throwing around.
 Down field for hunting group 2 - 14 boys about.

Table Tennis bat broken. Br **BR 15** goes
 in car with Mrs **DL 115** to visit Tom. Bros.
 Dearest or duty. Ready for Art Class in glassing.
 Srs away to typing. **BR 3** in tiff with

in yard - **BR 3** didn't get permission to go
 down field with

dogs - Recriminations "Which is more imp - dogs
 or cattle?" - "To the boys - the dogs" - "head boy in
 school" - "single room" - could say things that would
 embarrass you" - "I don't care" - "should not read
 my letters" - Crying in kitchen before going to bed

"Boys in
 house were
 told to get
 permission to
 go down the
 field. Charles
 boys didn't
 know."

Wed. 23rd Sept.

Rising 6.15 - Tea Showers Chapel Man
breakfast - Class - Decimal Currency -

Addition - Division - Cards 9 + 12 -

Art SB - finish Pictures of - Colouring Books

(English Inspector) called
in on courtesy visit. Tea - Down field
for hunting - Group I

away fishing Police up to see

Took bath after
game. Supper - Nothing unusual.

Walk after supper with **BR 3**

boys down field without permission

take out football

Last night's episode not discussed.

T. Tennis: Bhowed Srs.

around Art Class - Brought plaster
over to **DL 115** with

to fire Toilet - Cup of Tea back
to chapel - **BR 3** the same

Sun. 27th Sept.

Sat. Tried to clean walls in T. Tamm
room. Mopped floor. Bro. **BR 4** goes
off with Mrs **DL 115** to see Tom in
hospital. Took boys into gym for
indoor football 3.4.5. T. Tennis & put
up Blackboard in Table. T. room.
Chalit after supper. Call from [redacted]
and [redacted] Stayed about an hour
and a half. Got eggs, bottle of
whiskey & orange. Bro. **BR 4** over
for about half an hour. Sr. [redacted]
has cup of tea ready in kitchen.
Sun. Early Start. Breakfast at 7.30 in
[redacted]

+ myself - fine on. Off for Dublin at 8.10
Mass in Dandalk at 10.00 - Home at 11.00
glass of brandy. - Ellie, Danny, Mammie &
Diddy away to Match. [redacted] return
at 9.00. in great time. Had to stop at
Ballymoscannon - Out at 11.00. Home at 1.00

Mon. 28th Sept.

Rain, share, Breakfast. - Mass at 9.30

Intercession to Bro. [REDACTED] for Bro. [REDACTED]

recovery. School - Decimal currency

Conversion game. - S [REDACTED]

+ Bro. Otter down. Singing scrapped

I take the two classes - **BR 3** taping

B.B.C. lesson. Dinner - Art & Craft.

P.5A - Name writing - Monograms.

P.1a - The wooden horse of Troy.

Damp day. - Football on new pitch.

Group E absent. [REDACTED]

[REDACTED]
home over at 5.30. Supper early for

Sister. Bringing **DL 115** up to see [REDACTED]

T.V. out of order. All out until

7.30. - Wanted 10 best T.T. players.

about 25 boys - given 10 up. [REDACTED]

[REDACTED] out. Chalet 8.00.

Homework for E.S.N.S. - Arith. Bed at

10.00. Note from other chalet - door broken

Tues 29th Sept.

Morn at 9.30. Prayer of intercession
to Bro. [REDACTED] for Bro. [REDACTED]

School. Decimal currency - Phone from
[REDACTED] game tomorrow.

Rom 2 addition & division - Free
period. Dinner. Rom 2a - Write

names. Rom 2 - Troy
Football on new pitch - Group 2.

Arr at 5.20. Tired to day after
last night. Sister not going to

Typing. No T.V. - Off to Art class
at 7.15. A bit of pottery.

Double pinch pot. Back at 9.15
game of chess with [REDACTED]

Bed at 10.00. Noise again.

Got up at 11.00 and gave [REDACTED]

2 g [REDACTED] a cut each. -

Bro. BR 6 & BR 13 in with [REDACTED]

Bro. BR 13 wanted news on - Mr

[REDACTED] says no - boys misbehaving.

Wed. 30 Sept.

Rising 6.30 - Tea, Chapel - Mass, breakfast.
School. Catechism - Lesson 4. Decimals
Currency Bills - Addition + division
Cards 14, 15, [redacted] - Art - form 5B.

News in capitals - Horse of Troy. Off to
Ballygalget to play Portlough school 4.15.
[redacted] "sore back", [redacted] - swollen
finger - could not play. Over in park
at 3.30. Beaten by a cricket score.

[redacted] - only over. [redacted]
referees. over at 4.45. Home 5.30.

[redacted] after supper - 5 up.

No T.V. in chalet - yet. Explained
to [redacted] about slapping boys
in the chalet - previous night.
Group of boys at back of chalet
smoking after whistle blew at
8.00 PM. Bed at 9.30.

Thurs 1st Oct

Rising 6.15 - Tea - Shower, Chapel,
Breakfast. School. Nothing out of the
ordinary. Dinner. Bro. **BR 6** + Bros.

[redacted] go to Middleton meeting.

Ready - Sister away - Tea in chalet
with boys. Down to new pitch for
football with group 2. About 12 of
group 1 down as well. Game over
at 5.20. Over to chalet for supper.

[redacted] prepares. Just sitting down
for supper when Sr. [redacted] bring
in Sr. [redacted]. A few

games of table tennis between losers.
- feel tired - over to chalet at 7.30

Bro. **BR 4** away at holes. T.V. set
back him - fault - read a bit from
pottery book - ring from Bro. **BR 3**

+ Sr. **SR 32** to come over - tired.

Boys to bed at 9.30 - Went to bed
myself!

Sun 14th Oct.

Fri - Bro. **BR 6** goes to Belfast
for Dlx meeting - re. [redacted] visit - 7.45

P.M. Bro. **BR 4** at Bala - football
on new pitch.

Sat. - Bro. **BR 4** + I clean out
sewage pipe in wood-felth. Mopped
out T.T. Room and took a bath.
Took boys for football match on
new pitch - 3.30 p.m. Film on T.V.

[redacted] Stomach pain. Did not
take too kindly to being reprimanded re
football yesterday.

Sun. Up to Foster from hospital
with **DL 115** to see [redacted]

at 4.15. J. Lee returns to the
fold - Allegation of misdeemeanor.
Over to chalet at 8.00 - film
Nothing extraordinary - Fed up - nothing
prepared for school.

Mon & Tues

Mon: Group 2 down on new patch
(sidings) for football. J. Lee down. Bro.

BR 4 has some boys doing bales.

Bro. [REDACTED] Takes DL 115 up to see

Tues: Bro. [REDACTED] dies R.I.P. in Navy.
Down field after school Group 2 football

Bro. BR 4 at bales.

+ companion down to visit Home.

DL 115 + BR 15 away. Bro.

[REDACTED] takes boys for supper. Bro.

BR 4 + BR 13 also away in chablis.

Bro. BR 6 + I discuss J. Lee's case
after supper. - Bro. [REDACTED] Sister

away to Typing - I go to Glaston.

Played pot - Started coiled pot.

Home 9.15.

had fight in L.V. Room. Bro. BR 6

in charge. [REDACTED] a betyromy
door baying

Wed & Thurs.

Wed. Bros **BR 6** **BR 3** + myself
 leave school at Three to go to Newry
 Bro. [redacted] removal to Belfort. Arrived
 in Newry at 10 to 5. First 10m
 Big crowd of Southern Brothers - Bro
 [redacted] Bro **BR 15** [redacted] looks after
 family. Set out for Belfort at 20 to 6.
 Arrived at 7.00. - Big crowd. Invited
 up to St. Galls. - Mistake. There
 until 1.30 A.M. - Tues. Home at 2.40.
 Thurs. Up late - Tues. Bro. **BR 6**
BR 13 + [redacted] go to funeral. Sr
 up with them. Home by bus.
 Over in chalet for supper. Group
 two for football - Set off [redacted]
 [redacted]
 T. Tennis after supper - Beat [redacted]
 [redacted]
 me. Over to Chalet at [redacted]
 + [redacted] afford out about Sister's h. piece

~~Bro~~ + Sat.

Bro. Football Group I - Sent off [REDACTED]

Made luage at [REDACTED]

Sat: Looked for tractor at 10.00 - a damp
shift of rain. Got Major - Started at
11.00 - Grass very long - Quite a few
stoppages. Dinner. Cutting grass again.

Bro. **BR 4** on duty - Bro. **BR 3**

takes a few boys working on avenue.

Bro. **BR 15** goes away with [REDACTED]

Her Sister in law & [REDACTED] dead.

Bro. Altman & [REDACTED] arrive down
finished field at 5.00 - Nothing else
strange - [REDACTED] + [REDACTED]

out at weekend. [REDACTED]

arrived yesterday morning first thing
at breakfast. [REDACTED] still in

hospital, Everyone seems to be
behaving themselves. I hope. Bro.

[REDACTED] obituary in the Irish News.

Sun

V. Wet day. Fr. days **BR 3** - encourage
 boys to get up for Mass in the morning.
 "If you don't get up we'll not think anything
 the worse of you, but if you do we'll
 think all the more" - unfavorable reaction
 from [redacted] + staff generally.

Bro. [redacted] takes boys for dinner in house.

Bro. **BR 4** takes **DL 115** up to
 hospital. I take boys in gym for
 for football - 2.3.15 - 3.4.0 - - 12 boys

Bro. [redacted] 1. [redacted]
 down from Glen Rd. - Glass of Martell.
 Walk at 5.15 - Missed Benediction

Supper - Bro. **BR 6** takes boys -
 May met -

Put up Pablon on windows in
 classroom.

Read for half an hour in bed

Mon 11th Tues 12th Oct.

Mon: Down field for hockey match - Group
 V Pitch wet after rain yesterday.
 Ring from Bro [redacted] looking
 for hockey match - Saturday, 12-14.

Tues: Good day - Assembly at 9.15
 Bro **BR 6** takes them - listened to a
 religion programme on radio. Nothing
 extraordinary all morning - decimal currency,
 Convention - Form I. Time to rest $\frac{1}{2}$, $\frac{1}{2}$ to.
 Free period. Dinner - Art. Pr 4a - How
 the sea is salt - Rectangles - Cut + separate
 Out of school at 3.20 - [redacted]
 drives Downpatrick team from ferry - [redacted]
 [redacted] Beat Downpatrick easily 27-1
 Bros **BR 6**, [redacted] + **BR 13** away to
 Belfast to meet Bro [redacted] Bro [redacted]
 down field - 8.15 [redacted]
 takes boys in gym - I walk round yard
 Sister at Typing - bed 9.30 - [redacted]
 makes chocolate.

Sat 19th Oct.

Morn at 8.10. - Swept & mopped T. Tenin
 room. Dr. [redacted] baking party for Keedy
 boys coming over this afternoon - [redacted] **BR 3**
 away to Belfast to buy record player, for
 car. [redacted] [redacted]
 driver to play golf with **BR 4** Slight
 drizzle. Asked Mrs [redacted] to prepare
 supper for Keedy team - chips - sausages.
 Complaints about [redacted] [redacted] [redacted]
 to come in. Duty in afternoon - [redacted]
 don't arrive until 4.00 - [redacted]
 + [redacted] fighting in T. Tenin room over
 bats - Separated Them - [redacted] continues
 calling names & threatening - I warn him - sitting
 on swings - "don't want to play that old game"
 Threatens Emmanuel - fed up with. I bring him
 over & give him six outside my room - flaming
 temper. "Stand there" - He does - swollen lip -
 Beat Keedy 21-17. [redacted] Sauce too
 good Supper. Golfers have supper with [redacted]

Sun. 18th Oct.

Rising 7.40. - Chapel - Breakfast & No time for discussion after breakfast. Chalmers shave, Mass at 10.00. Nov sermon from **DL 140**. Waxed strong on Mass in the morning. forgot to say Gloria - Staff not too pleased with his remarks.

Discussion after Mass as to procedure to follow. Conclusion - Each unit gets up one morning per week. This idea of a few boys getting up is out. Bro. **BR 3** & I go for a walk to [redacted]

and [redacted] up. Called in to **DL 115** after walk - Gloria report.

Over to dinner, Bro. **BR 6** health discussed.

I bring **DL 115** up to hospital. [redacted]

want to go to

ballo - Refused. - Tom a bit depressed

DL 115 brother + nephews arrive - I leave myself. - Home at 4.35. Tea. Benediction Over in Chapel after supper. [redacted]
Bed.

Mon. 19th Oct.

Rising at 7.00 - Chapel - Breakfast at 8.00.
Everything as usual in the morning. Bro. **BR 4**
takes assembly 9.15. Form 2 Decimal Arithm
Shop Maths. Free period Form 1 - Time
 $\frac{1}{2}$ in port, $\frac{1}{2}$ to. Dinner.

Nothing unusual in the afternoon. Cold day.
Wild wind. Football with Group I
on new pitch. Workers digging holes for posts
around pitch. Boys absent. [REDACTED]

[REDACTED]
at 5.20. Mass. Bro. **BR 6** asks me
to stay on duty. Bro. **BR 3** goes off
to Belfast - Regency hotel - Backward group.
Sr. **SR 32** takes **DL 115** up to hospital
Over to chalet at 6.30 - Write out
weeks programme of work. Boys do
homework. No TV. Bed at 7.0.
[REDACTED] down. - Having a bath I
believe. Bed at 9.30.

Tue. 20th Oct.

V. Cold & Windy. Rising 6.55 - Tea - Chapel
 Breakfast. J. McCarthy at Mass. [redacted] absent
 School - Stopped bus absent. - Everything as usual.
 Bro [redacted] down with **DL 140** last night
 for 2 hours. "Everyone unco-operative except
 Bro **BR 15** gets boys up." [redacted] got
 stopped for waiting to go to Mass. Sister not
 pleased. School as usual after dinner
 No incidents. Over to chalet after tea
 Sister [redacted]

said anything to Father. Sent down to
 tell him - Met him in the yard after.
 According to him Fr **DL 140** never said
 such a thing to Bro [redacted]. V. Cold.
 & blustering showers. Down on new pitch
 Group 2 football. - called off match at
 5.00. - Bro **BR 4** brings up **DL 115**
 Sister at typing. Bro. **BR 6** comes over at 7.5.
 I go to Potten down. cooled. Back at 9.00.

Wed. 21st Dec. 1945

Rising 6.15 - Tea - Chapel - Mass

Boys up from House

9. - which - All at
Communion - Breakfast - no talk about

them until Bro. **BR 15** goes out to call boys.
Short talk with Sister about it. School
as usual -

put up notice
boards in - Dinner - Bro.

will - Trans Dept.

Bro. **BR 6** goes to Social Welfare Committee
in Belfast. Bro. **BR 4** takes boys up to Egg

factory. Bro. **BR 3** boys come into
my class - Magazine - drawing -

Bro. in at 20 to 3. Bro. **BR 4**

back 3.45 - Tea - Group 2 - football
club.

theology - stations. I see

T. Tinn after supper -

gets this, going off at 7.30.

Thurs 22nd Oct.

Rising 6.15. Tear chapel - Over to chalet after Mass.
 Breakfast with Sr [redacted] away - corn flakes
 + tea. [redacted] gets up and gets tea ready.
 I get boys up - quiet enough. Homework finished
 at 9.00. Met [redacted] on way out. Asked me if I
 heard any noise last night in his chalet. [redacted]
 absconded at 11.45 - Went out in car out for an hour
 in Kircubbin - Got him back. - School as usual
 Dinner - School - Over to chalet after tea - Group Two
 down on New pitch - football - Welfores + Mr
 Gilmore have some boys. Game over at
 5.20 - Over to chalet for supper. St John
 fries bacon + eggs for supper - Boys have
 cooked ham + boiled eggs. Kept boys in
 chalet till 6.20. - Over to Benediction - 5 decades.
 + sermon. Out at 7.00 - Walked in yard for a while
 Sr arrives back but goes over to **SR 57**. Boys
 go to bed at 9.15. [redacted]
 up early - Tired of their nonsense - What a long
 day

Fri + Sat 23 & 24 Oct.

Peffrelett to remember what happened.
took group I for for football - not too
many down. Over to home at 9.00 o'clock
No-one there except Bro. **BR 6** **BR 3**

+ **BR 4** over with [redacted] home
for the weekend - Bad news from hospital
Has to be operated on to get affected
lung out. [redacted]

very hard on her. - Stayed with Bro **BR 6**
until 10.30. - Drink.

Sat: Took my day off. I went to N. And
for Heat & on to Aradyme for Confession.
Down to Gardner's brok shop & bought two
books 'Magic' & 'Stories' 30/- each. Home.
Stopped in Kireublu - Locked myself out of the
car. [redacted] prised down window.

Bro **BR 4** Took boys up to swim with
Mr. [redacted] - Incident in morning with
[redacted] Took cup of tea at breakfast
time. Over to TV. [redacted]

Sun. 25th Oct.

Rising 7.45 - Tea - Chapel - Breakfast.
 Br **SR 32** + **DL 115** went up to meet
 boat from Liverpool - **DL 115** up all night
 with Tom. sermon on "Faith".
 Above their heads. No discussion - Read
 a bit out of 'Magic book' - over to
 school dinner - Bro **BR 3** takes house
 boys. I call over to Savage with Bro.
BR 4 into gym until 3.30, over to
 chalet. Tea with Sister - listened to
 records - Down to Grassh & with Bro.
 Back - Supper time - Walked up and
 down yard after sports results -
 Bored because I have done so little.
 Over to chalet. Sr **Thorge** Chatted
 until 10.00. back - **DL 115**
 down a while mouse & torch.
 A bit washed out.

Mon 26th Oct.

Rising at usual times. Breakfast -
 Taking assembly for the first time this morning.
 Prayer - Read story - House built on sand -
 decade of the Rotary - a bit nervous -

[REDACTED] in class today.

Everything as usual in the morning. Dinner
 Everything as usual in the afternoon. Group

I down for football (new pitch) all
 down except [REDACTED] Slight stream of

rain. Mass at 5.30. Supper - over to
 chalet after supper. Sister takes Mrs

DL 115 up to hospital to see [REDACTED]
 Table Tennis until 7.45. Over to chalet.

No T.V. Homework for all. Morty
 takes band. [REDACTED] birthday

No money for him - hit [REDACTED] a
 head during [REDACTED] - Only 2

at Mass. [REDACTED] - [REDACTED] Bed
 at 9.45.

Tue 27 Oct.

Rising 6:15 - Tea - Shower - Chapel

DL 140 [redacted] - The Rodriguezson

DL 140 takes class for Catechism, Form 3 -

Made out Shop Prices - Ordinary Sum.

Form I Ordinary Sum. Dinner - Spilling

rain all day. - Art & Form 4a. My own

class - Mads from Kellogg's boxes. - not finished

Still raining - Took group 2 into gym.

Quite a few of Group 1 - Lot of noise

Timing - Cleaned them out at 5:15.

Over to Chalet - Read a little bit of Magic

Supper - Got ready for Course. Bro

BR 4

on duty in Chalet. So going

Typing. Bro. BR 6 comes over at 7:00.

I go to glory - Coiled bowl finished. Met a

[redacted] - teaches French in glory -

Interested in Chequers. Home at 9:00.

Watched Corrie Clary fight on T.V.

Bed 10:20

Tue 3rd Nov '20.

Back from home yesterday evening at 7.00 with
 Bro Sam. Met Bro. [REDACTED]
 in Portlery. Bought them a drink. Everything normal
 here. Quiet weekend at home. Up to see Jim
 & Rosemary in Park Saturday. Down to Crossmaglen
 on Monday morning with Ellie. Sam calls at 3.00.
 Very windy morning. Winds up to 25 mph.
 2 trees knocked down. Tennis Court area
 destroyed. Workers putting up posts around
 football field. Down with group 2 for football
 match. None of group 1 allowed. Cold.
 Got ready for Art Course. Between 2 minds
 to go or not. Bro. **BR 6** comes over. [REDACTED]
 not in too good form. Boys didn't get up
 off seats for [REDACTED] at T.V. Bro. [REDACTED]
 there. Putting boys to bed. Went into one
 room. [REDACTED]
 2 each. Back from course. [REDACTED]
 on course. Teacher in Ballahalbert Pr. [REDACTED]
 was [REDACTED]

Wed 4th Nov.

Rising 6.15. Tea. Chapel - Mass Breakfast.

Bro. **BR 4** up with [redacted] until

4 A.M. Tired out. School as usual.

Everything normal. Saw to a few boys in
Group 2 who didn't turn up for game.

Dinner - School. Art 5P - Bible & Story

Paper - Group 1 Story. Tea.

Football with Group 1. All this except [redacted]

(cleaning outlet of swimming pool.) [redacted]

(play with [redacted] [redacted] (helping in kitchen))

Home over at 5.15. heavy shower of

rain. - Washed hair. Supper - Chapel.

Table Tennis - Bro. **BR 4** in gym

& **SR 32** takes boys for a shot while.

Over to chapel at 8.15. Nothing

out of the ordinary? & **SR 32** go

over to **DL 115** at 9.30. Boys going

to bed. & over until 12.00. Light in first

dorm; Boy scurrying over to [redacted] chapel.

Mon 9th Nov.

Weekend; Sat. Nailed up notice board in T. Tennis room - not very good job. Our 2 chalets go up to swimming pool at 1.45. 18 boys. 12 from ours and 6 from [REDACTED].
 Had to leave pool by life saver. horseplay - ducking. brought 4 T. Tennis Balls and 2 boxes balls for prize. Back at 4.00.

Sun: Quite a number of part pupils back [REDACTED].
 [REDACTED] Didn't do anything constructive. Nothing Frange. Questioned [REDACTED] on what he had under his jacket - "Blue Hazer" from [REDACTED].

Mon: Up at usual time - everything as normal. Group I for football. [REDACTED] complain [REDACTED] hit him with bat on the head. Slight lump. I. bring [REDACTED] DL 115
 up see [REDACTED] Complained he got it hard to get phlegm up. - Blood pressure down - Back home. [REDACTED] DL 115
 Mrs Windsor [REDACTED] from Downpatrick - Tea [REDACTED] BR 4
 at B.B. Course. Back at 9.45.
 Tea in Sr. [REDACTED] Bed at 11.

Tue 10th Nov.

Rising 6.15. Tea. Chapel - Mass - breakfast.

Bros **BR 4** & Jarlath go to Dublin for check up.

11.30 Express. Nothing extraordinary in the morning.

Group 2 down for football. Put on 6 of group 1 at half time. Made a mess of the game. Bros

Altman & Paul down to have a look at chalets. Bro **BR 4** gets a bottle - In St.

Krancis Chalets - Bro. gives £3 - brought to hospital in ambulance. Rumour of meningitis.

Bro **BR 15** brings Mrs **DL 115** up to see

Sr. away at Typing. Goes over to see Mr

at 10.00. saws doctor Graham

today. Got Tablets to take when he gets pain. gets pain in the stomach.

Sr. gives him Andrews. Seem OK.

with bandage on arm. I give

measurements for goodposts. Mine

still going around pitch. Machinery comes to

put tarmacadam on yard. - Bed at 10.30.

Mon Tues 18th Nov.

Last Week: Wed. night party over in Mrs **DL 115**

Lrr [redacted] departure tomorrow. Srs [redacted]

myself. What a night! Bro **BR 4** slept in chair all night. **SR 32** burst to e Mrs **DL 115** happy for

Thurs. [redacted] confirmed meningitis - not infectious

Pro **BR 6** over to my room at 8.00. Srs **SR 32**

away. I propose to leave my room for Bro [redacted]

Sr up with **DL 115** to hospital.

Fri: **DL 115** has a very bad day and night. heart stopped beating - put on machine. **DL 115**

very worried. - Pro [redacted] Vis. arrives

Sat: Long Walk up to Ballygran Church with Vis.

after breakfast - getting ready for Ballymore group

Arrived at 1.15. just at dinner. rigged up scaffolding for

goals on all-weather - 9-3 for Rubens - v. poor. every at 4

Good & Barney Burns - [redacted] - [redacted] takes over at night

Pro **BR 6** **BR 15** in with Vis. Sun. Visit. closed away

after dinner, Mon: & back to normal. - Pro **BR 6** still worried.

Tues 17th Nov.

Ring 6.15 - Tea - Shower - Chapel - Mass - Breakfast

[redacted] to be operated on again this morning. Skits inside not knitting. [redacted] - Taking

boys for assembly this week. Everything fairly normal. School as usual. Rain in afternoon.

Group 2 in gym for football - 18 boys. [redacted] referees. [redacted] up - limps - sciatica. Bro.

BR 12 goes by train to Dublin for hospital treatment. Bro. BR 15 drives him to train. Mr.

DL 115 up to see Tom - Supper. So away to Typing. Bro. BR 6 comes over to mind

chait. Over to gloating. Glosed bowl and put slip Tray on tray. Back

at 9.10. Bro. BR 6 goes over to house.

[redacted] gets cup of chocolate ready. Cha for about 15 mins. Sister back - To bed for 10. Read a bit from Sp. Book.

[redacted] day off.

Wed 18th Nov.

Rising at usual time. Everything as normal in the morning. Doctor (Name?) calls to check up. ~~up on~~ [redacted] Bro **BR 4** brings his class

up to the Royal Hotel, Bangor. Back at 12.15. Sr **SR 32** brings Mrs **DL 115** up to hospital at 11.15. - Phone call from hospital. Dinner.

Bro **BR 6** goes to Belfast - meeting at 3 with [redacted] brings Pat up to hospital. Word comes through [redacted] died at 2.30 (R.I.P.)

Group 1 down for football on new pitch. Wine almost completed. **DL 115** returns at 5.00

Sr **SR 32** stays over with. Br - Boys for supper. Bit of T. Tennis. In chalet at

8.00. Stopped. [redacted] for coming down the corridor in shoes - cheeky. Boys very invariable this evening. Put off T.V. at 10 to 9. - Bed. - [redacted] stopped in the Tracks.

Cup of chocolate. Bed at 9.15 - Read for a short while in bed.

Thurs 19th Nov.

Ring 6.15 etc. Breakfast. Bro. **BR 4** gone up for [redacted] + [redacted] School. No electricity from 9.30. Heating system cools down in school. Haven't gone over to sympathise with **DL 115** yet. School is normal. 11.00 - cup of tea in kitchen - Went over to **DL 115** - [redacted] + Bro. [redacted] Home. Back to school at 11.15. Boys waiting for me. Dinner. Bro. **BR 4** goes to bed at 1.30. Haven't been since Wednesday at 6. School as usual for me. Sister [redacted] stays over with Mrs **DL 115** all day. [redacted] gets tea + supper. No game. - Line up for funeral at 4.45 - Wait till 5.10. - Boys smoking behind school and hearse coming. - Carried coffin into chapel, decedent of Rosary. Bro. **BR 6** gives out Rosary at 6.30. All there. T. Termin. Division 2. Over to chapel at 7.30. Ring from Sister - Baby minding for **DL 115**. Nothing else to report. [redacted] unsettled this morning while back - name calling - "japing" - etc. evening upset [redacted] - acting up at times. See how far he can go.

Sat 22nd Nov.

Fri School until 11.45. Mon for [redacted]
at 12.00. Funeral immediately after. Bros **BR 6**

[redacted] go to Dounpatrick. Boys from
DL 115 chalet. Back at 3.00. Sister [redacted]

Stay over in chalet. Tea. Over to Mrs **DL 115**
about 7.30. The [redacted] are home. Left at

9.30 with [redacted] sleeps in our chalet. Over to Sr [redacted]
Dunpat.

[redacted] Away
at 130. Bros **BR 6** takes charge in our chalet.

Sat. Bros **BR 6** & [redacted] away to Dublin. Everything
quiet. [redacted] tired. I bring boys up to Bath.

and our own chalet to films. "Where Eagles dare"

Fr. from **BR 5** Back at 6.00. Sent [redacted]

to bed. - sleep - quietly. Over to other chalet at 10.00
lost 2 doors. playing about.

Sun. Nothing. Frango. Bros. **BR 15** in very
bad form - bad back - Bros **BR 6** take on in

afternoon. Bros. **BR 4** on at night.

~ Poor T.V. Bed at 9.30.

Mon 23rd Nov.

Rising at usual time. Wet morning. Sister going in
to see [redacted] about her sore toe. Result,
broken in two places. X-rayed and put in splints.
School: [redacted] (Maths Inspector) visits school. Inspector
Srs + Bro. **BR 4** classes in the morning. Though
he might have come into my class - no.
Had my own class for two periods. [redacted] acting
up. - Dinner - Bro. **BR 6** in parlour with [redacted]
Spitting rain all day. Form 5.2. Art. [redacted]
Op - Art commenced. [redacted] comes in at 2.
I bring him into Rural Science - Form I.
The clock. - He takes over for a while. Evening
confused with figures. Finished at 3.45. Still
raining - In gym with Group I until 5.25.
Mons. Supper. Chapel. T. Tennis room in
an awful mess - damp. No. 7.7. Sr. [redacted]
over to Mrs **DL 115** 7.30 - 8.45. Bit of
Homework - Bed after News. - Br. [redacted]
[redacted] abroad from house at 3.30 AM. Two
Raided ladder.

Tues 24th, Nov.

Ring 6.45 - Tea - Shower - chapel - Mass - Breakfast
 No heat in chapel since Saturday - gas. + electric.
 Damp morning - Fr. Lope takes boys for catechism.
 Arithmetic Test - Stiffordshire - on B.B. - Now
 Test unrealistic - not able to read - Dinner.
 [redacted] + [redacted] back with [redacted] Br.
 [redacted] had threatened to punish [redacted] - formula
 for art. Football down on all weather - goalposts
 up at long last. Over at 5.15 - Mentally
 tired - out for quick walk - Supper.
 Bro. **BR 4** has Red Cross lady down for
 film show - Bro at typing, Over to Gloster
 for Pottery - glazed Trays. - fish Tray.
 Back at 9.05. Bro. **BR 6** in chalet
 Boys being put to bed. Cup of Chocolate.
 T. Matchett tidies up - Boys talkative at in
 bed, [redacted] - slap. - Down to [redacted]
 Bottom down - Talking very loud. - [redacted]
 Bed myself.

RUB-1786

**RULE
OF GOVERNMENT**

OF

THE INSTITUTE OF THE BROTHERS

OF

THE CHRISTIAN SCHOOLS

Mount La Salle



Ballyfermot

THE MOTHER HOUSE

ROME, ITALY
1947

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CHAPTER V

THE VOWS

1. Towards the end of the Novitiate the Novices may request of the Brother Superior, in writing, the permission to make their first vows.

2. The Request for admission to Vows may be worded as follows :

I, the undersigned, Brother, after having maturely reflected, before God, and seriously tried my vocation, believing myself called to the Institute of the Brothers of the Christian Schools, beseech the Most Honorable Brother Superior to have the goodness to place my name on the list of aspirants to (perpetual, triennial, annual or end of Novitiate) vows for the present year.

....., the 19...

Signed

The following is to be added to the request for perpetual Vows :

I made the thirty days retreat preparatory for perpetual profession at on 19...

3. The Brother Visitor shall then convoke a Council composed of the Councillors of the District, and also the Brothers Directors of the Houses of Formation whom he may call to examine whether the Novices who have requested Vows may be admitted to them.

Those who, indicated by the Doctor's advice, show any tendency to tuberculosis or other serious infirmities shall not be admitted to Vows.

The vote of the Council is deliberative. It shall be forwarded to the Regime.

4. Before the Community Chapter is held, the present Chapter of the Rule of Government and Chapter XVII of the Common Rules, and the recommendations of Brother Visitor will be read publicly in Community.

The list of aspirants shall be placed at the disposal of the Brothers up to the time of the Community Chapter.

5. The Brothers who are known to have violated the secrecy to which they are bound on the discussions and the votes of the Brothers for admission to Vows, either in the Community Chapters, or in the District Chapters, shall be deprived by the Brother Superior, of their active and passive vote for three years.

6. The young Brothers who have left the Novitiate less than four months prior to the date of the annual retreat are not to be examined in the Chapters for admission to Vows of the Community and the District.

7. The Chapter for Vows shall be presided over by the Brother Superior or in his name, by one of the Brothers Assistants, or by the Brother Visitor of the District.

The Brother Superior may delegate for this end another Brother who, in such case, at the beginning of the Chapter, will have his Obedience read publicly.

8. The Chapter for Vows shall be opened with the *Veni Creator*, the versicle and prayer, followed by the *Ave Maria*, and the invocation to Saint John Baptist de La Salle.

At the beginning of the Assembly the President shall represent to the members of the Chapter the importance of the votes they are going to give, and how careful they should be to have in view only the good of the Institute.

He shall, at the same time, warn them that they are bound in conscience to observe secrecy on the information given regarding the aspirants under consideration, and he shall remind them of the penalties to which those render themselves liable who violate this secrecy. (Art. 5.)

9. Every subject habitually irregular or disobedient, should be put aside as unworthy, and especially he who is given to cabals, or criticisms, or who sows dissension and is lacking in judgment.

Faults against the virtues that are the objects of the Vows, imprudent familiarities, great harshness towards the pupils, irregular contacts with outsiders, delay in rising in the morning, smoking, intemperance in drink, scandalous disobedience, are motives for refusal of Vows.

Defects of levity or of character are not motives for refusal, except when they are really grave, and when the aspirants have not profited by the admonitions, reprimands, and penances that have been given them on the subject.

10. After having proposed an aspirant, the President shall have the notes read that have been sent about him, with the name of the writer, as well as the votes and observations in the minutes of his Community Chapter.

The voters shall then give their views, beginning with the youngest. Every one should most carefully refrain from allowing himself to be influenced by personal attachment or by any prejudice with regard to the aspirant.

They shall then cast their votes with white or black balls.

If an aspirant be not admitted to first triennial Vows, the President may propose a second vote on the advisability of his being maintained with annual Vows.

11. The minutes of the Chapter shall be copied in a special register, and shall contain for each of the aspirants the result of the vote and a summary of the discussion. (*Common Rules*, XVII, 12.)

12. The Brother Visitor shall send two copies of the Minutes of the Chapter to the Brother Superior, who shall give the final decision. He shall likewise send the list of aspirants to the renewal of annual Vows.

As soon as he has received the decision of the Brother Superior he shall make known to each of the Brothers interested that which concerns him.

Brothers who make their retreat out of their District must present the attestation of their being admitted to Vows before being allowed to make them.

13. In every District there shall be a special register containing the record for each emission of Vows, the name of the Superior who has received the Vows and the attestation for each kind of Vows signed by those who have made them.

This attestation shall be drawn up in the following terms :

We, the undersigned, certify that we have today (*mention the day of the month and the year*), in the chapel of (*indicate the Community and city*), made (*here add, as the case may be, perpetual, triennial, annual or first vows*). Vows of POVERTY, CHASTITY, OBEDIENCE, of STABILITY IN THE INSTITUTE, and of TEACHING THE POOR GRATUITOUSLY, conformably to the Bull of Approbation of our Institute granted by Pope Benedict XIII, and to the Rescript afterwards granted for the making of these same Vows.

In testimony whereof we have signed.

(*Then follow the signatures in a double column, the one with the religious, and the other with the family name.*)

At the end, the Brother who has received the Vows shall certify to the fact as follows :

I, the undersigned, certify that I have received the Vows above mentioned in the name of the Most Honorable Brother Superior.

..... the 19...
Brother N...

14. The formulas of the Vows, attested by the Brother who has received the Vows, shall be sent without delay to the Regime.

15. Several centers of Retreats of thirty days, or the Great Exercises, are established every year in the Institute for the Brothers who are preparing for perpetual Vows.

The Brothers who desire to make the Great Exercises a second time, may be authorized to do so.

Retreats of twenty days shall take place, for the young Brothers who have had several months of community life.

16. The Brothers shall make a serious study of the obligations of the Vows, so that they may be guarded against all error and illusion, and take a serious view of such obligations.

17. A subject who has left the Institute, and who asks permission to re-enter it, after his Vows expired, or after he has received his dispensation may not be re-admitted without an authorization from the Holy See.

This authorization having been obtained, he must make his Novitiate again.

18. A Brother with perpetual Vows who would be so unfortunate as to leave the Institute with the intention of not returning, is called an Apostate from the Institute, and he incurs, by law, excommunication reserved to the Ordinary of the Diocese in which he resides.

He is obliged to have recourse to the Ordinary of the Diocese to receive absolution, whether he later obtains a dispensation from his Vows, or whether he be allowed to return to the Institute.

In this latter case, he must make a retreat, and submit to the penance imposed by the Brother Superior. He shall be deprived of his active and passive voice for the rest of his life.

20. He is called a fugitive who leaves the religious house without the permission of the Superiors, but with the intention of returning. The fugitive incurs, by the fact, the loss of his office, if he has one; when he returns, he must accept the punishment the Superiors may think proper to impose on him.

21. Neither the *Apostate* nor the *Fugitive* is freed from the obligation of the Rule and the Vows; both must return without delay to the Institute, where they will be received if they are animated by a sincere repentance.

22. Subjects shall not be kept in the Institute who are devoid of the religious spirit, who are rebellious and sowers of discord, or who give cause for some grave scandal.

The higher Superiors shall apply to such religious the canonical *admonitions* in accordance with the exigencies of Canons 656 and those that follow.

23. Subjects with temporary Vows sent away by Superiors conformably to Canons 647, 653; are, *ipso facto*, free from all their religious obligations.

24. Whoever leaves the Institute on the expiration of his Vows, or after having obtained a dispensation from them, and whoever is sent away, cannot claim anything for services rendered to the Institute, no matter what they may be.

When the Brother Superior General shall think it necessary, he shall appoint a BROTHER PRO-DIRECTOR, who shall aid the Director in the direction of the Community and the classes.

15. The Brother DIRECTOR OF NOVICES shall be appointed for three years. He may be maintained in office indefinitely, without restriction of time.

The Brother Superior General may equally maintain in office without limitation of time the DIRECTOR of the JUNIOR NOVITIATE, and the BROTHER DIRECTOR of the SCHOLASTICATE, on condition that their responsibilities be restricted to their respective groups.

16. The Brother Superior General with the consent of the Regime, shall appoint Brothers SUB-DIRECTORS of Novices, and BURSARS of Districts, and in general, all officers who may be needed for the good government of the Society.

CHAPTER IX

THE BROTHER SUPERIOR GENERAL

I. — The Qualities of the Brother Superior General.

1. The Brother Superior General shall strive to advance in the virtues herein enumerated; he will make this the object of his reflections and examinations so as to conserve and increase the moral authority necessary for good government.

2. He should possess a great union with God through meditation, Holy Communion, the spiritual exercises and purity of intention in all things.

3. He should have an entire and filial submission to all the decisions of the Holy See, never deviating from sound doctrine and ecclesiastical laws.

4. The Brother Superior General shall hold in great esteem the virtue of prudence that will keep him on his guard, make him distrustful of his own judgment and induce him willingly to take and follow the advice of his Council.

He should show at all times circumspection and discretion, in his relation with his Brothers and persons outside the Society, so that he may be watchful over his words and proceedings.

5. He shall be especially gifted with a spiritual discernment, the fruit of a correct judgment that will guard him against being deceived or influenced by reports, calumnies, flattery or entreaties, and which in business affairs, will lead him to decide upon what is best and most suitable.

6. The Brother Superior General should possess a characteristic greatness of soul, and a courage that will make him rise above the difficulties he may meet in the exercise of his office, and cause him to undertake and constantly pursue what he shall deem best for the honor and glory of God and the advantage of the Congregation.

7. He shall be especially imbued with an all-embracing supernatural charity to win the hearts of all the Brothers, sympathizing in their sorrows without weakness, and caring for their spiritual and corporal needs.

8. He shall be animated with a firmness that will maintain good order and regularity in the Society, reprove with all charity, and determine penalties according to the faults, characters and persons.

9. He should possess an unchanging sense of justice that makes no distinction of persons, but treats each one according to his talents and merits.

10. The Brother Superior General should exercise over his Brothers a moral ascendancy enhanced by his experience in previous offices, intellectual acquirements and an exterior that will command respect and inspire confidence.

II. — His Principal Obligations.

11. The Brother Superior General, by virtue of his office, should not only himself observe and have the Common Rule observed, but also the Decrees of General Chapters and the Rule of Government.

He shall approve the translations of the Common Rule and the Rule of Government, before having them printed.

For the Common Rule he shall require that the translation correspond page for page, with the original text.

12. In conformity with the Rules of the Institute, the Brother Superior General shall exercise care and prudence, to admit to vows, only those Brothers who are worthy.

13. Concerning the exterior conduct of his person, the Brother Superior General shall conform to the dispositions judged useful and appropriate by the General Chapter.

14. If it should happen that the Brother Superior General has overworked himself or practised excessive austerities, he shall be obliged to acquiesce in the recommendations and sentiments of the Brother Vicar General and those of the Brothers Assistants, as being those of the Congregation to which he owes submission.

15. The Brother Superior General shall receive the just and charitable advertisements of the Brothers Assistants in matters affecting his office and in those relating to himself personally. The Congregation appoints the Brothers Assistants to reside with him, not only for the purpose of aiding and advising him in the general government, but also, if needs be, to admonish him prudently and with the respect due to his position.

16. The Brother Superior General shall govern according to the Rule and practices of the Institute. He shall make use of his authority to maintain the Rule and practices of the Institute, and he shall see that they are exactly and uniformly observed everywhere. He shall take efficacious means to prevent relaxation from being introduced.

17. The Brother Superior General may prudently and temporarily dispense from certain points of discipline, and grant extraordinary permissions, according as it may seem useful for the glory of God and the good of the Institute.

18. Whenever there is question of some greater good, the Brother Superior General, with the consent of the Regime, may change or modify certain measures taken by the Brothers Visitors and Directors.

19. Through the administrative service of the Mother House, the Brother Superior General shall have the various registers and lists at his disposal, some, indicating all that relate to the Houses, the date of their foundation, their resources and the summary of their history; the others, all that relates to the appointment of Brothers Visitors, Directors, Sub-Directors, Pro-Directors, and the extension of their powers; likewise all that relates to each one of the Brothers.

Therein shall be inserted their name, age, date of their entrance into the Institute, their taking the Habit, making of Vows, their qualities, employments, and all the principal permissions granted to each, etc.

All such information should be written in the order of its occurrence and announcement to the Brother Superior General.

20. The Brother Superior General shall communicate to the Brothers Directors of the Houses of the Institute a share of his power with regard to the Vow of Poverty for the management of temporal property and the permissions to be granted to individual Brothers.

With regard to the permissions reserved either to himself or the Regime, he shall give or cause them to be given in writing, and shall direct his Assistants to keep note of all such permissions given.

21. The Brother Superior General shall pay very special attention to the choice of Directors, both for the Novitiate and the other Houses of the Institute and particular groups of Houses of Formation.

22. In the cases specified in Chapter VII, Art. 7, the Brother Superior General, with the consent of the Brothers Assistants, shall convoke the ordinary and

extraordinary General Assemblies, and the Elective Commission; he shall indicate the place at which they shall be held, their date and object.

23. When any movable or immovable property is left to the Institute or to any particular house, the Brother Superior General, shall see that the conditions laid down by the donor or founder be faithfully fulfilled.

He shall also see that the previous consent of the Ordinary of the Diocese be obtained for investments of money and all change of investments, when they concern funds, assigned or bequeathed to a House for expenditure on divine worship or on works of charity in the locality.

24. The Brother Superior General shall ask the consent of his Council on the following questions :

- a) Nominations, mutation or prorogation of Brothers to the following offices : Procurator General, Secretary General, Bursar General, Postulator General, Visitors General, and Visitors of Districts;
- b) Erection of a Novitiate;
- c) Acceptance or closing of some Establishment;
- d) Buildings and repairs of some importance, according to the directions of General Chapters;
- e) The disposal of property left to the Institute without any determined purpose;
- f) Disposal and acquisition of property ¹;
- g) Loans and debts;
- h) Acceptance of or release from charges;
- i) Dismissal of Professed Brothers;
- j) In general, for all affairs deemed important by the General Chapters.

¹ Bull, 12°.

25. When the vote of his Council is merely consultative, the Brother Superior General may disregard it without injury to the validity of his decisions. Nevertheless, prudence will require that he place great importance on the opinions of his Council.

26. The Brother Superior General shall convoke all the Brothers Assistants to Council meetings and each of them will be invited to give his opinion.

For the validity of decisions which require a deliberative vote, the Council must have at least two-thirds of the Councillors present, and at least half of them on questions for which the simple advice of the Council is requested.

CHAPTER X

THE BROTHER VICAR GENERAL

1. The Brother Vicar General shall ordinarily assist the Brother Superior General in the Government of the Society. He will perform the duties of the Brother Superior General when the latter is prevented from fulfilling his office, or when it may not be possible for the Brother Superior General to do so.

2. When the Brother Superior General is ill, he may confide his powers to the Brother Vicar General : the register of Council deliberations shall make mention of this.

The Brother Superior General who is seriously ill shall pass over his powers for the government of the Institute to the Brother Vicar General if the Council should demand it of him.

CHAPTER XVIII

THE MANNER OF MAKING THE VISITS
AND RENDERING THEM PROFITABLE

1. When the Brother Visitor comes to a House to make his Canonical Visit, all the Brothers who compose it shall assemble in the Chapel or Oratory or the Community Room, at the sound of the bell, and at the most convenient hour.

The Brother Visitor, standing, shall present his Obedience to the Brother Director, who shall read it in a loud and intelligible voice.

This done, the Brother Director, kneeling, shall kiss the Brother Visitor's hand, and then give him the keys of the House. The Brother Visitor shall then give him the accolade, and the Brothers each in turn, shall come to pay their respects to the Brother Visitor in the same manner.

On returning to their places, the Brothers shall kneel, and the Brother Visitor shall sprinkle them with holy water, repeating the words : *Pax huic domui, et omnibus habitantibus in ea* : « Peace be to this House and to all who dwell therein ». Then kneeling he shall begin the *Veni Creator*, which shall be continued aloud in two choirs; he shall then say the versicle *Emitte* and the prayers *Deus qui corda* and *Visita quaesumus*.

Should the Brother Visitor deem it proper, he shall retain the keys until he has visited every part of the Community.

2. The Brothers shall be invited to receive Holy Communion on the following day, to obtain for the Brother Visitor the lights necessary to discover any

relaxations that may have crept into the House since the last Visit, and the means necessary to remedy them; and for themselves, they shall ask the necessary submission and docility to follow the advice that may be given them by the Brother Visitor ¹.

3. The Brothers shall continue during the Visit to ask of God the graces necessary for the Brother Visitor and the Community, so that the Visit may help to renew the spirit of fervor and regularity.

4. During the week that precedes the canonical Visit, the Brother Director shall have read in the refectory, in place of the third book, the present Chapter and the Chapters XIX and XX, of the *Rule of Government*.

5. All the Brothers, even the Brother Director, are obliged to inform the Brother Visitor in private, whether any *Rule* is not observed, and also to mention what may be the cause. The neglect of this duty may lead to serious consequences.

For this purpose, every Brother shall make a special examination on the Rules and practices of the Society, to see whether they are punctually observed.

In this examination, the Brothers should avoid all prejudice which might lead them to exaggerate a Brother's defects, or to imagine that they see such as do not exist.

The Brothers should understand that it is not through a spirit of criticism or censure that they should speak, but in the interests of the Community, and for the re-establishing of regularity, should it have suffered.

6. All the Brothers shall, with much simplicity, render an account of their conduct to the Brother Visitor with regard to regularity and their special work.

¹ A *Plenary Indulgence* is attached to the regular Canonical Visit. (Pius IX, Nov. 13, 1862.)

The Brothers may also freely and spontaneously open their minds to the Brother Visitor in order to obtain good advice and direction for their progress in perfection.

The Brothers shall listen with humility to the advice which the Brother Visitor shall give, and take the necessary means to put it in practice.

They shall not mention it to anybody, nor shall they speak of anything told them in private by the Brother Visitor during the Visit.

7. In speaking to the Brother Visitor of the irregularities that may have crept into the House, the Brothers should be on their guard against being influenced by the quality of persons, or the affection they may have for any particular Brother, or by a false timidity, from mentioning any abuses that may have come under their notice.

8. The Brothers shall speak on these subjects in a straightforward manner, with prudence and discretion, and mention them only to the Brother Visitor.

9. If any Brother, even the Brother Director, be unexpectedly reproved by the Brother Visitor, he should be careful not to suspect any of the Brothers of having informed against him; and he shall especially beware, as a considerable failing, of all questioning, allusions or indiscreet inquiry with the view of discovering the author of the reports.

On the contrary, he shall bless God that his faults have been made known, and profit by the reproof given; for this purpose, he shall retire to the Chapel or Oratory for a few moments' reflection, after having been reproved by the Brother Visitor.

10. During the Visit, a general Advertisement of the most notable defects of the year is to be made; the Brothers will advertise without human respect, but with much simplicity and charity.

11. When the Brother Visitor examines certain parts of the House, the Brother in charge will accompany him, and if there are any recommendations to make for the good of his department, he shall make them with all simplicity and modesty.

The Brother Visitor shall examine what may be best to do, conformably to the *Rules* of the Society.

12. The Brother Visitor should weigh the qualities and defects of a Brother according to the following aspects :

1° *As a Man* : his health, character, mentality, judgment, aptitudes, diplomas, politeness, family, religious dress and secular clothes;

2° *As a Confrere* : devotedness, sociability, common life, influence, charity, union, relations with the Brother Director and his confreres;

3° *As an Educator* : competence, preparation of class work, methods, procedures, correction of pupils' work, zeal, reputation, example and edification, reserve and dignity, supervision, teaching of religion, daily reflection, fostering of vocations;

4° *As a Religious* : prompt rising, spiritual exercises, vows and virtues, attachment to his vocation, piety, and outside relations.

13. The Brother Visitor will examine into the conduct of the Brother Director under the following heads :

1° *As the Director of the Community* : presence at his desk in Community room, regularity of the spiritual

exercises in Community, life of the Community, accusation and advertisement of defects, weekly reddition, reading in the refectory, weekly confessions, extraordinary confessor, regulation of sundays and feasts (Conferences, Vespers, Compline, Catechism in Community), weekly walks, outings, visiting outside, traveling, persons of the other sex in the House or School, games in Community, Brothers remaining alone in Community away from central summer Houses, even during the retreats, control of correspondence, Holy Masses to be offered for the Community and the deceased, fidelity to the vacation regulation, the daily time table and coutumier approved and followed, and general procedure in his relations with the Brothers;

2° *As the Head of the Community* : care of the health of the Brothers, keeping of Community registers, stationery accounts, journal of receipts and expenses, Community debts, loans, cost of repairs and constructions, Holy Masses to be celebrated, gratuity of the school, etc.;

3° *As the Head of a Christian School* : Visiting the classes, examination of the pupils and their work, relations with authorities and families, supervision of the classes, assiduity of the pupils, teaching of Catechism according to the *Rule* and the Bull of Approbation (four and a half hours per week), religious studies of the Brothers, piety of pupils, retreats of the school, associations of former pupils, Catholic Action groups, fostering of vocations, politeness of pupils, good name of the school, entertainments, etc.;

4° *Formation of Apostolic Educators* : education of the Brothers, Community courses, professional culture, pedagogical conferences, Catechism in Community, encouragement of studies among the Brothers, catechetical examinations, and supervision of the teaching of the young Brothers.

14. The Brother Visitor shall inspect the premises of the Community and the School, and observe the following :

1° *The Community* : Its cleanliness, its furniture, the sleeping quarters of the Brothers, parlors according to rule.

2° *The School* : Contiguous classes, glazed doors, and partitions, their cleanliness, furniture for teacher and pupils, class materials, toilets.

15. The Brother Visitor will assure himself in particular :

1° That no pupil is kept in school after the dismissal of the classes;

2° That there are in the parlors glazed partitions without curtains, and that the articles 5 of Chapter XIV and 7 of Chapter III of the *Common Rule* are observed;

3° That neither liquor nor tobacco is in use in the Community;

4° That the feasts of the Brothers are not celebrated;

5° That the Brothers have perfect liberty to correspond with the Brother Superior General, the Brothers Assistants and the Brother Visitor.

16. When the Brother Visitor has recourse to an Inspector, Supervisor or a Secretary to examine the pupils and to control their work, he shall reserve to himself the examination of prayers and Catechism, and all that refers to religious instruction, and thus testify to the exceptional importance he places on such teaching.

17. He shall examine the Community account book, and all the other registers of the House.

18. The written recommendations left by the Brother Visitor shall be transcribed in the Administration Register.

Those given to the Brother Director shall be kept by him, for his personal attention and profit. He shall present them to the Brother Visitor at the next regular visit who will then see if they have been fruitful.

19. The Brother Visitor shall assemble the Community at the closing of the Visit, and after having told the Brothers the various improvements and corrections to make, he shall exhort them to renewed fidelity to the *Rules*, and the practice of the virtues which characterize the good religious and the zealous teacher.

He will then send his report to the Brother Superior General, who will take such measures as he may judge useful or necessary.

20. The Visit being ended, the Brothers shall thank God for the graces received, and take salutary resolutions to assure its fruits.

For this purpose, they shall pay great attention to the oral and written recommendations left by the Brother Visitor, and endeavor to make them the guide of their conduct.

The Brother Director, especially, shall correct the abuses pointed out, and act in accordance with the instructions received with regard to himself, the Community and the schools.

On the occasion of the monthly recollection, the recommendations of the Canonical Visit might be recalled.

CHAPTER XIX

RULE OF THE BROTHER DIRECTOR OF A HOUSE
OF THE INSTITUTE

1. The Brother intrusted with the government of a house of the Institute shall be called Director, to make him understand that his whole attention should be to direct, dependently on the Brother Superior General of the Institute, his house and the schools connected therewith, and especially the Brothers placed under his authority, so as to make them advance in virtue, and lead them to the perfection of their state.

2. The Brother Director is the guardian of the Rule. He shall be penetrated with this truth on which our Holy Founder often laid stress, namely : « That the Institute is in the hands of the Brothers Directors; that it is they who work to build it up or to destroy it; that the regularity observed in it depends on theirs; and that fervor will be maintained therein only by their fidelity to the *Rule* and to their duties » ¹.

He will appreciate the importance of his mission. The Holy Founder never ceased to pray to God for worthy Directors for his Institute. For this end he practised severe mortifications, and established the Friday fast throughout the Institute.

The Brother Director will often read the present Chapter, and *The Recommendations of Saint John*

¹ Edition, 1885, p. 673.

Baptist de La Salle to Brothers in Office, and he shall recall that as far back as 1700, the Holy Founder strongly urged the Brother Director to read his Rule, during Spiritual Reading, Sundays and Thursdays.

I. — Installation of the Brother Director.

3. On a Brother's arrival in a House to take charge of it, he shall present his Obedience to his predecessor, and have it read to the Community by the Brother Sub-Director, or in default of him, by the senior of the Brothers.

Then, the new Director, in concert with his predecessor, shall verify the accounts, and draw up a summary balance account which they shall both sign.

When the Brother Visitor or his Delegate is present, the Obedience shall be read by him. He shall also verify the accounts, as well as the balance account, and sign them.

4. The new Director shall draw up the act of his installation and insert after it the balance account, conformable to the following formula :

I, the undersigned, Brother N..., having come to to take charge of our House, conformably to the Obedience of the Most Honorable Brother N..., Superior General of our Institute, dated the said Obedience having been read to the Community, have signed the following summary Balance Account, after verifying it; and I declare, by the present act, that I undertake the direction and government of this House from the present time.

In testimony whereof I have signed, and requested dear Brothers N... and N..., to sign with me.

BALANCE ACCOUNT		TOTAL
Assets.	Cash on hand this day	
	Provisions	
	School requisites (cost price)	
	Sums due for school requisites sold on credit.	
	to the for salaries due	
Community	for purposes of rewards	
	by sundry persons	
Liabilities.	Sums due to the "Procure General" (all debts).	
	by the to the "Procure" of the District.	
	Community to all merchants	
	for rewards	
	for school requisites	
Net Assets (or Liabilities) this day		

Done at, the 19...

<i>The outgoing Director,</i>	<i>The Director,</i>	<i>The Brother Visitor</i>
Brother N...	Brother N...	(or his Delegate),
		Brother N...

A copy of this act and of the Balance Account shall be forwarded to Brother Visitor, and another to the Regime.

5. Should a Brother Director have to give up the direction of a Community before the arrival of his successor, he shall hand over his accounts to the Brother Sub-Director or to the senior Brother in the Community. He shall draw up a balance account, as indicated above, and sign it.

If the Brother Visitor or his Delegate be present, it is to him that accounts shall be handed over.

6. On the occasion of the installation of a new Director, whatever would be a departure from simplicity and religious modesty must be avoided.

II. — The dependence of the Brother Director on the Brother Superior General.

7. The Brother Director shall bear in mind that he is appointed to direct, dependently on the Brother Superior General, and not to conduct and govern as head; not attributing, and not having any right to attribute to himself any but a relative and subordinate authority.

8. If, apart from the cases provided for, something important is to be done which cannot be deferred, the Brother Director shall examine before God, what decision it is proper to take.

If necessary, he shall consult the Council of his Community, and then do what, before God, he believes to be the most expedient.

He shall be careful to advise the Brother Visitor of it as soon as possible.

9. When the Brother Director asks a permission he shall do so soon enough to receive an answer at the required time, and not presume silence to be a tacit permission.

10. At the appointed times, he shall give an exact account of his administration to the Brother Superior General conformably to the memoranda drawn up for this purpose.

He shall likewise give an account of each of the Brothers placed under his direction; of their regularity, character, attainments, the manner in which they dis-

charge the duties of their employment, their reserve with the pupils, their zeal in forming them to piety, and in preparing and teaching Catechism well.

11. The Brother Director shall be attentive that all his Brothers write to the Brother Superior General at the period determined.

12. He shall be most attentive that no Brother commit the indiscretion of reading a letter, sealed or unsealed, written to the Brother Superior General or received from him by another Brother. Moreover, every Brother should understand that such an indiscretion is a very serious fault.

If the Brother who renders himself guilty of it has only temporary vows, the Brother Superior General should be informed of it and he shall impose on him a severe penalty for it, even that of being refused admission to the renewal of his Vows; if the Brother has perpetual Vows, he shall be temporarily deprived of the right of voting and being voted for.

13. The Brother Director shall endeavor, by his words and acts, to inspire his Brothers with a great esteem for their holy vocation and filial love for the Institute, a filial respect for, and perfect obedience to the Superiors.

He shall have the Circulars of the Brother Superior General read punctually, place them at the disposal of the Brothers, and especially be earnest in following their recommendations, and prescriptions.

III. — Care of his own perfection.

14. The Brother Director shall endeavor to possess a lively *faith* that will guard him against a worldly spirit, and that will make him have in view only God and the Divine Will.

15. He should have an entire *confidence* in God even in great difficulties, and a certain diffidence of himself, being persuaded that God will bless his work according to this abandonment to Divine Providence.

16. The Brother Director should be animated by a holy *love of God*, for this disposition will free him from a disorderly love of creatures, and enable him to practise a supernatural charity towards his Brothers, desiring only their salvation and perfection, supporting their defects with patience, showing himself always affable and encouraging in word and act.

His charity will activate his *piety*, and engage him to have frequent recourse to God through his spiritual exercises, especially Mental Prayer and his personal acts of devotion.

17. The Brother Director should often ask God for the virtue of *prudence* which is so indispensable for him to direct his Brothers and the pupils wisely; to keep aloof from the world, according to *Rule*, and in all circumstances to adopt measures dictated by the Glory of God and the interests of souls.

Prudence demands an absolute discretion and silence concerning confidences intrusted to him in reddition, not even to allow the thought to enter his mind of mentioning the names of those who may have made reports to him.

18. The Brother Director shall retain a becoming reserve in all his relations with the world, particularly with persons of the other sex. He shall be punctually faithful to all points of prudence prescribed by our *Rules* in this delicate matter.

19. *Justice* should govern the conduct of the Brother Director, and inspire all his relations and appreciations of men and things; this will give him a high ascendancy over the Brothers and the pupils.

Justice will enhance his *humility*, which should be profound and enable him to consider himself a worthless instrument of which God's goodness alone makes use in such a holy employment.

This virtue also facilitates *obedience*, which should shine forth in his conduct and render him faithful to all the recommendations and prescriptions of the Brother Superior General and those of the higher Superiors, as also in all matters of regularity, the Brother Director being, so to speak the living *Rule* in his Community.

20. The Brother Director will need great *firmness* of soul to tend to his own perfection, to maintain an exact regularity in his Community, and to support with supernatural views the trials inherent in the exercise of authority.

In God alone will he seek the gift of *fortitude*, recalling the words of the Apostle : « I can do all things in Him Who strengthens me ». In difficulties the Brother Director should have filial recourse to his Superiors.

21. *Mortification* of mind and senses will procure for the Brother Director an abundance of graces for himself and for his Brothers.

His first means of mortification will be the perfect and integral accomplishment of his duties of state.

He shall frequently recall that spiritual progress and apostolic achievements are acquired by suffering in imitation of Christ.

22. The Brother Director shall be ever vigilant over himself, in order not to deviate from religious *poverty*, and he shall avoid procuring anything superfluous in what is for his use, living in every respect the common life with his Brothers, and, if necessary, being less generous towards himself, while showing himself as liberal towards his Brothers as the *Rule* and the Customs of the Institute allow.

He shall not take advantage of his position to make journeys without permission or dispose of property above the limits of his powers.

IV. — Duties as Administrator.

23. The Brother Director is only an administrator, in the name of the Institute, of the funds and property which are confided to him, and as such, he cannot act as owner.

24. Within the limits of his powers, the Brother Director shall administer the goods of the Community, with a right conscience exempt from scruples.

He shall not lose sight of his responsibilities and the consequences of his faults of administration in reference to religious Poverty and the injustice they may cause the Community with the need of making reparation in consequence.

If it ever occurs that he act beyond his powers, he shall have recourse to his Superiors, and humbly accept the sanctions imposed upon him.

25. In Houses having a fairly large number of Brothers, the Brother Director shall have a Council composed of at least four Members, appointed by the Brother Visitor, with the consent of the District Council.

This Community Council, whose vote is however, only advisory, shall be called at least once a month to discuss questions of importance concerning the Community or classes. The summary of the deliberations of the Council shall be recorded in the Administration Register.

26. The Brother Director shall permit a certain initiative to his Brothers, particularly to those who have a special office; nevertheless, he shall reserve to himself the right of regulating their work, and of giving them, by his counsels and encouragement, the assistance which he owes them.

He shall especially show great confidence in the Brother Sub-Director, whose authority he shall always endeavor to support.

27. He shall abstain from criticizing the conduct of his predecessor, from systematically undoing what he did and doing what he undid; from saying that there is much to be reformed, etc.

Should it happen that a Brother makes the observation that another Director permitted or forbade such or such a thing, the Brother Director shall give no answer, and if necessary, he shall consult the Brother Visitor.

28. The Brother Director shall take care to keep the house in good condition. He shall visit or cause every part of it to be visited on the weekly holiday, to see whether it is neat and clean, and whether everything is in good order.

29. He shall be careful to have the furniture plain, and he shall exclude from the parlor, as from every other part of the house all that would, by its appearance recall the luxury of the world.

30. The Brother Director shall be careful that the parlor doors have glazed panels without curtains, in such a manner that the interior may be easily seen. It should be the same for the greater number of rooms, and especially the Procure, the Linen-Room, and the Infirmary, and Sacristy.

If there are two or more contiguous parlors in a house, the partitions and doors of separation should likewise be glazed and without curtains.

The door keeper's office and the parlor shall, as much as possible, be so placed that he may be able to see into the parlor.

31. In virtue of the powers conferred on him by his Obedience, the Brother Director shall keep in good repair all the furniture of his house; he may even make little additions to it with regard to ordinary objects of low price, and make repairs, called tenant's repairs, doing all with prudence and under the sanction of the Brother Visitor.

32. The requests for extraordinary purchases, sales, loans, and erection or repairing of buildings, journeys, and in general for all permissions of any importance, are to be transmitted to the Regime through the Brother Visitor, who shall add his views and all useful information on the subject, such as the following :

1° A statement of the motives, written in our official language, if possible;

2° Minutes of the Council of the Community and that of the District;

3° When the Institute is not the owner of the property, indication of the clauses of the contract which give the Institute the temporary enjoyment of the property;

- 4° The financial status of the Community;
- 5° The annual resources of the Community;
- 6° The manner and means of payment;

7° A general plan of the property with existing constructions; the plans of the proposed construction, according to scale, in conventional colors; black for existing buildings, yellow for parts to be demolished, and red for the projected constructions;

The plans of the proposed construction must comprise : the facade, horizontal cut showing the distribution of rooms on each floor;

8° Estimates of cost prepared by the architect and builders, if available;

9° A map of the city with the situation of the proposed buildings or property.

All incomplete documents and those either not proposed or signed by the Brother Visitor will not be considered.

When a large construction is proposed it will be wise to have tentative projects sent to the Regime before the definite plans are prepared by the architect and submitted to the Regime.

33. The Brother Director shall not borrow any money or contract any debt, nor shall he permit either to be done.

So likewise he shall not lend any money or burden a House with a mortgage, without written permission from the Regime.

In no case will he engage the Institute or the District in any contract or financial obligation whatever, without

a written authorization from the Brother Superior General; besides, any House that contracts a debt or loan must be in a condition to honor it.

To allow a House to run into debt, and even to neglect the means of economy which future needs and prudence demand, would be an injustice towards the Institute and the Brothers, from which they would later have to suffer.

34. The Brother Director shall keep his accounts faithfully, and in order to prevent any annoying consequences, he shall not conceal anything from the Superiors. He shall consult them in all doubtful cases of any importance.

35. He shall settle his accounts with merchants regularly, and as far as possible, every month.

He will ask for receipts for all important payments, and keep all such important documents for the time prescribed by the law.

Copies of letters, orders and administrative documents should be on file.

36. He shall avoid transacting business with unknown commercial travelers. He shall give them neither address, recommendations, nor signatures.

37. The Brother Director, the Brother Sub-Director, and the Brother Procurator shall equally have knowledge of the receipts and expenses of every month, in order that each of them may sign with full knowledge of what is contained in the Quarterly Financial Statement which is sent to the Brother Superior General.

38. The Brother Director is the first in responsibility in managing the Procure of the Community. No transaction of any importance will take place without his sanction.

Accounts of the Brother Procurator must be exactly kept, selling prices must be moderate, and he shall present weekly reports of cash operations.

All reserves of money shall be kept in a safe, the secret combination of which shall be known by the Brother Director, the Brother Sub-Director, and the Brother Procurator.

39. If the Community possesses considerable funds, the Brother Director will make it a filial duty to contribute a notable part to the needs of the District.

He shall not invest any money without a previous authorization from the Superiors.

40. The Brother Director should take pleasure in sending to the Brother Visitor available religious habits.

41. He shall keep written up-to-date the registers which should be in the Community, namely :

- 1° The Personnel of the Community;
- 2° The Administration;
- 3° The History of the Establishment;
- 4° Foundations and Donations, the charges they impose and the release from these charges;
- 5° The Receipts and Expenses;
- 6° The School Requisites;
- 7° The Account of the classes;
- 8° The Fuel Account;

9° The Teaching Staff;

10° The Number of Pupils;

11° The Registers required by the civil law.

He shall be attentive to follow the instructions given at the beginning of each of these registers.

42. The Brother Director should have a catalogue of all the books of the Community.

He shall be careful to have the library properly provided with books useful for the religious, pedagogical and intellectual formation of the Brothers.

Every year he shall budget a particular amount of money for the acquisition of new books for the Community.

The Brother Director shall see that no book prohibited by the Church be in the Community; and, if some book appear to him to be of a suspicious character, he shall consult proper authorities on the subject.

He shall also exclude all books which without being bad, might nevertheless be a source of danger, such as certain poetical works, books on anatomy, etc., also certain encyclopedias occasionally too detailed.

If some of these last-named books, being moreover Catholic and written in a good spirit, should have to be consulted by some Brothers, on account of the specialties taught by them, they shall be kept under lock and key, in a press reserved for the purpose, in order that only a restricted and judicious use may be made of them.

43. He shall submit to the approval of the Brother Visitor subscriptions to periodicals and reviews which he will deem useful to the Brothers.

He shall not easily permit the reading of political journals and newspapers.

44. The Brother Director shall either himself or through others write up the history of the House including such details as the following :

1° The date of the founding of the establishment, clauses and conditions of such foundations, the charges, revenues, and resources, etc.;

2° The names of founders and benefactors, with the services they have rendered;

3° Ameliorations made and losses sustained;

4° Increase of personnel, classes, etc.;

5° Important repairs, their estimates, the funds from which they were paid, the authorizations received to do this work, and so forth.

6° Sacerdotal and Religious vocations;

7° Results obtained in contests and exhibitions;

8° The principal events of the House or what relates to it.

This detailed History of the House will facilitate the yearly Historic Report to be sent to the Regime each year in December.

45. The Brother Director shall be exact in forwarding the various required papers or reports to the Brother Visitor.

46. When a death occurs in a Community, it is necessary to inform the Brother Visitor of it without delay, so that he may announce it to the Bureau of Personnel of the Mother House.

He shall give to Brother Visitor the necessary details concerning the sickness, the last moments of the deceased, his virtues and various employments.

He shall also be careful to get from each Brother the address of his nearest relatives to be kept in the register, so as to notify them in case of death.

47. If the Brother Director is obliged to employ seculars, he shall follow the precautions which prudence and charity prescribe in their regard.

He shall pay them a just and suitable salary, and he shall not employ any who cannot show satisfactory recommendations of morality and honesty.

Proper vigilance shall be exercised over their conduct and the fulfillment of their Christian duties.

A Brother shall be appointed to preside over their morning and evening prayers, and to give them religious instruction at least once a week.

V. — His duties towards the Brothers in Community.

48. The Brother Director shall show great affection for all the Brothers under his direction.

He shall take care never to let it appear that he has trouble with any of them, and he shall avoid manifesting preference or antipathy for any.

49. He shall apply himself with great care to the formation of the young Brothers, and give them much encouragement in the difficulties of their first attempts as teachers.

He shall also show paternal kindness to the Brothers having charge of temporal employments.

50. The Brother Director shall assist his Brothers in order to assure their success with their pupils, and he shall be particularly kind and patient towards those whose efforts are not always crowned with success.

51. He shall be very attentive to the health of the Brothers, and, for this purpose, take every hygienic precaution. He shall have linen and underwear suitable to the season given them.

He shall keep the house very clean, and be careful to have the rooms well ventilated.

52. The Brother Director shall be attentive to the first symptoms of sickness, and have the doctor called in without delay. He shall often visit the sick, see that they are well cared for, and speak to them in words of encouragement and edification. He shall be especially careful that they receive the Sacraments of the Church in good time.

53. He shall bestow every possible attention on the aged Brothers, and take care that the young Brothers show them marks of regard and respect.

54. He shall take care that the Brothers always observe the rules of religious decorum towards one another, treating one another with cordial deference, taking pleasure in rendering mutual assistance, charitably bearing one another's defects, and thus maintaining fraternal union which constitutes the happiness of Communities.

55. The Brother Director shall carefully avoid making known the defects of the Brothers without a real necessity, and, in this case, he shall say only what is indispensable.

If the Brother Director requires information about any of his subjects in Community, it is to the Regime or to the Brother Visitor that he is to apply, and not to the Directors who have had the Brother in question under their direction.

56. He shall be attentive to note that the Brothers going to school do not speak to one another in the streets, but that they say their beads alternately, going and coming.

57. When a Brother is prevented by his employment from being present at the exercises of the Community, the Brother Director shall draw up a regulation for him, by which he can make up for them. In this matter, he shall bestow particular solicitude on the Brothers employed in temporal work.

58. Every week, on the most convenient day and hour, the Brother Director shall call the Brothers, in private, to receive their reddition on observance and employment, and at the same time to give them all the counsels which he judges useful in view of their spiritual advancement.

He shall always be at the service of those who, at this or any other time, wish to have a private talk with him, and he shall, with great charity, give them advice and encouragement. The Brother Director shall strictly conform to the Canonical prescriptions in everything concerning these communications.

59. He shall regard himself bound to the most inviolable secrecy on all that he has learned solely from the private communications of his subjects.

60. He shall organize courses of study in Community, according to the needs of his Brothers; and for this purpose a separate room for the courses, contiguous to the Common Room shall be arranged.

61. Objects for the use of the Brothers shall be in keeping with religious poverty.

The Brother Director may exchange such objects from one to another, if he judges it proper to do so.

He shall not permit that rooms, desks, and cupboards be kept locked unless with special permission and for exceptional reasons and because of the nature of the employment:

He may not permit the habitual use of a watch to any Brothers. In cases where certain employments call for an exception, the Brother Visitor may authorize it with the advice of the Brother Director.

62. The Brother Director shall take care that a Brother, when leaving the Community to go to another, does not, without permission, take anything with him except what the *Rule* authorizes.

63. The Brother Director shall not permit that any of the Brothers keep in their possession money, bonds or securities of any kind whatever, forming part of personal property.

He himself must observe this obligation in reference to his own patrimonial goods.

64. He shall control the transactions of Brothers who handle money for the sale of stationery, money for fuel and for charitable purposes. Such Brothers will give him exact accounts of such transactions at regular intervals, and turn over to him all the money received.

He shall also be careful that all the profit on school requisites be employed for the benefit of the pupils, and that the money for good works and for fuel be applied exclusively to their respective purposes.

65. The Brother Director shall remind the Brothers that the presents which may be made to them, from whatever source or on whatever occasion, belong by right to the Community.

66. Apart from the cases or exceptions foreseen by the Rule ¹, he shall control all letters received or sent by the Brothers.

67. The Brother Director shall not grant any permission to travel. He shall confine himself to writing his opinion, on such requests, and send them to the Brother Visitor.

68. He shall remind the Brothers who are authorized to make a journey, that they are to keep themselves within the limits of the permission granted them. If they are going to visit their parents, and there is a House of the Institute in the locality, they should spend the night with the Community, and make the morning and evening exercises with the Brothers.

69. When a Brother comes to a town where there is a House of the Institute, he shall go directly to this Community, and shall not go elsewhere without the permission of the Brother Director.

70. The Brother Director shall be careful that his Brothers always bear marks of poverty in their garments, provided they be decent and not torn, and conformable to the customs of the Society in material and make.

71. He shall have religious simplicity observed in the haircut of the Brothers.

VI. — Obligations with regard to regularity.

72. Through respect for the Holy Will of God which is indicated in the *Rules* and *Practices* of the Institute,

¹ Common Rules, Chapter XXVII, 4.

the Brother Director shall not tolerate, in any of the Brothers, anything contrary to the regularity and good order of the Community.

He himself shall not fail in any point of *Rule*, nor shall he allow anyone to fail therein, even in the least points.

73. The Brother Director shall not introduce any particular practice into the House, even under the pretext of piety, without the authorization of the Regime.

74. He will recall that obedience gives vitality to the spiritual life, and hence, the Brother Director will neglect nothing that shall render its practice exact.

Whilst leaving to his Brothers a dependent personal initiative, he will encourage their zeal, inquire into their labors and projects, and do his utmost that his subjects be examples of fidelity to all the regular prescriptions and recommendations concerning religious and professional duties.

75. Recollection shall appear to him of such great importance, that he shall consider it as the principal exterior support of piety, and want of custody of the eyes as the source of all kinds of disorders.

76. The Brother Director shall be careful that the Rule of silence, the guardian of regularity, be faithfully observed. Therefore, he shall see that no one speaks in the Community without necessity outside of the time of recreation; and when it is necessary to speak, that it be done with reserve, in a low tone, and in few words.

77. He shall have his working desk in the Common Room. He shall remain with his Brothers both during the exercises and work.

He shall be convinced that his habitual presence with his Brothers is one of the most efficacious means of maintaining regularity.

78. The Brother Director and the Brothers under his direction shall be very assiduous at all the exercises of the Community, leaving everything at the first sound of the bell, in order to commence them together as soon as it ceases to ring, being mindful that this is the first and principal means to regulate a house well.

When the Brother Director is obliged to absent himself from an exercise, either entirely or in part, he shall notify the Brother Sub-Director of his absence, or should the Sub-Director be away, the senior Brother.

79. The Brother Director shall not be absent from Mental Prayer, the meals, or recreation, unless he cannot do otherwise; he shall not allow the Brother in charge of the front door to call him away during these exercises, except in case of absolute necessity.

Should it happen that he is obliged to absent himself either from Mental Prayer or recreation, he shall prefer to be absent from Mental Prayer, and take another time during the remainder of the day to make it without fail. If he cannot find time to acquit himself of this duty during the day, he shall take a quarter of an hour for it before retiring at night.

80. The Brother Director shall be very zealous to have the Brothers advance in the practice of Mental Prayer. He shall make use of all the means within his power to help them grow in the love of this interior support of the Institute; by example, by conferences, by reddition, and by choosing subjects for meditation carefully and providing sufficient light to enable the Brothers to make use of a book.

81. The Brother Director shall recommend the reading of the life of our Holy Founder, the books of the Institute and the Circulars of the Superiors General; and he should remind the Brothers of the established tradition on holidays, namely : to take for their morning spiritual reading the books of the Institute; the principal ones are named below :

1° The *Common Rules*, the *Rule of Government*, *Results of General Chapters*, the *Management of Christian Schools*, the *Explanation of the Twelves Virtues of a Good Master*;

2° The *Spiritual Doctrine of Saint John Baptist de La Salle*, the *Collection* and the *Explanation of the Method of Mental Prayer*;

3° The *Catechism of Vows*, and the *Circulars of Superiors*;

4° The *Lives of the Brothers who died with the reputation of great sanctity*, and *Obituary Notices*.

82. The Brother Director shall not replace the accusation by a general penance, and he will encourage the Brothers to make this accusation in an edifying and religious manner.

83. During the regular long vacation it is not customary to have the Advertisement of defects but the hearing of redditions shall take place, even if the Community has but few members. Apart from this time, the Advertisement of defects should never be omitted.

84. He shall be careful to give the Conference of Rule. The *Holy Gospels*, *Liturgy*, the *Rules*, the *Collection*, the *Life and Doctrine of Saint John Baptist de La Salle*, etc., will furnish ample material for his Conference.

85. The Brother Director shall endeavor to inspire his Brothers with a great devotion to our Holy Founder, and watch over the faithful observance of the following points :

1° The fourth or fifth Monday of each month, the Brothers will recite together in Community in the evening, the Invitatory, one *Nocturn* and *Lauds* of the Office of the Saint. If the recitation of this Office ends before the prescribed time the Brothers shall remain in the Chapel in adoration;

2° At the end of all the Chapel exercises, just before the signal, *Live Jesus in our Hearts*, the following invocation will be said : « Saint John Baptist de La Salle, our beloved Father and Founder, pray for us »;

3° At the end of the second book read in the refectory at noon, a maxim of our Holy Founder will be read;

4° There should be a picture or statue of the Saint in all the principal rooms of the House.

86. One of the principal objects of the solicitude of the Brother Director shall be the fostering of religious studies in his Community.

He shall be faithful to these studies himself, and he shall see that the Brothers devote the time fixed by the *Rule*, and use the texts indicated in the approved courses of the Society.

He shall not place books on moral theology and casuistry at the disposal of the Community.

He will encourage all the Brothers, including those engaged in temporal duties, to prepare themselves for the various examinations in religion held in the Institute.

The Brother Director shall maintain the recitation of Catechism, to which all the Brothers are obliged, except

the Brother Director, those who have twelve years of perpetual profession and those who have obtained the Institute Catechist's Diploma.

87. The Brother Director shall frequently remind the Brothers of the obligation of preparing well the Catechism they teach so as to give the children exact, clear and interesting explanations. This preparation shall be made at another time than that of the regular study of religion.

He shall provide the library with books on catechetical methods of teaching, and an abundant documentation on this teaching, well up to date. He will be careful to see that every Brother scrupulously employ all the time assigned to preparation of the Catechism lesson.

He shall encourage the Brothers to make a collection of notes, maxims, sentences, pictures and examples to illustrate their Catechism lessons.

88. The Brother Director shall take care that Catechism be taught in Community, in the manner prescribed.

The Brothers shall teach this Community Catechism each in his turn, on a subject determined beforehand, conformably to our traditional methods.

At the end of this exercise the Brothers shall exchange views on the matter, form and method employed.

Catechism should be taught from time to time on the principal Mysteries, to exercise the young Brothers in this special Catechism, which is prescribed twice a week by the *Rule*¹.

Some Community Catechisms forming a regular course of religious instruction may alternate with the preceding, and shall be taught by the Brother Director, or by the Brothers selected among those best qualified to teach them.

¹ Common Rules, XXX, 8; XXXI, 1.

89. The Brother Director shall conform to the traditional customs of the Institute in the penances which he imposes on the Brothers, either for their trial, or in reparation of some faults they have committed; for this purpose, he shall give one of the penances marked in the following collection, or others of a like kind.

1. To kiss the floor;
2. To kiss the feet of one or more Brothers;
3. To ask pardon of a Brother either privately or in public;
4. To ask pardon of the Community;
5. To remain standing during part of the time of a conference;
6. Not to lean against the back of the chair or bench during the conference, or against the back of the pew during a Chapel exercise;
7. To go to the Chapel and recite a *Miserere* or a decade of the Rosary, or to reflect for some minutes on a given maxim;
8. To remain standing during the reading of the subject of Mental Prayer;
9. To recite a prayer in the middle of the Chapel kneeling and with the arms in the form of a cross, or simply kneeling;
10. To kneel in the middle of the Chapel when one comes in late, and not to leave in without receiving a sign from the Brother Director, and after having kissed the floor;
11. To kneel at the door of the Chapel or refectory, when the Brothers are going into one or other of these places;
12. To kneel in the middle of the refectory when one comes in late through one's own fault, to kiss the floor and return to one's place;
13. To say the *prayers* before and after meals kneeling in the middle of the refectory, with the arms in the form of a cross;
14. To repeat a maxim or a point of Rule aloud in the refectory;
15. To kneel in the middle of the refectory with the arms in the form of a cross during the reading of the first book, or simply remain standing at one's place;
16. To ask for a piece of bread as an alms;
17. To take the dessert, a part of the meal, or the entire meal, kneeling or standing;
18. To read slowly and privately some passages of the Holy Gospels, the Epistles or the *Imitation of Christ*, and to reflect on them;
19. At the beginning of spiritual reading, to read privately, on the indication of the Brother Director, some passages of the *Collection* or from the *Spiritual Doctrine of Saint John Baptist de La Salle*;
20. To read from notes of the Annual or Monthly Retreat, and in the Chapel or Oratory, the resolutions taken in such circumstances;
21. To use the discipline a few times, at such moments as the Brother Director will indicate;
22. To wear a bracelet of penance for a time fixed by the Brother Director;
23. To impose on oneself light privations during meals with the sanction of obedience;
24. To render a daily account every evening of the number of times one has fallen into such or such a defect or exterior fault.

A Brother may be permitted, on his request, to do some of these penances, as also the Brother Director may counsel or permit some other penances.

90. The Brother Director shall take care that religious simplicity be observed in the meals. He shall avoid giving *benedicamus* except in circumstances indicated in the Coutumier; he shall have reading in the dining room during the whole time of a meal, as far as the number of readers permits.

He shall choose for the reading in the dining room books that are well written, interesting, capable of improving the historical, literary, pedagogical and moral knowledge of the Brothers.

This public reading will readily complement the personal studies of the Brothers, and sometimes supply for lack of leisure time to pursue them. Besides, it will furnish useful topics of conversation during recreation.

The Brother Director will not permit the Brothers to accept invitations to meals outside the House.

91. Certain public readings prescribed by the *Rules* shall be made either in the refectory or in Community.

The following shall also be read :

1° During the month of March, Circular n° 214, on Canon Law;

2° The 26th of January, the Bull of Approbation of our Institute;

3° On the eve of the Feast of the Holy Founder, the Bull of Canonization;

4° As soon as they are received, the Obituary Notices and the Circulars of the Superiors.

92. Recreation shall not take place in the refectory. The Brother Director shall take care that there be no political discussions or words contrary to charity in the conversation of the Brothers.

He shall not tolerate the absence of Brothers from recreation, unless necessary, and he himself shall always be present.

He may not shorten the time of recreation assigned by the *Rules* or the *Coutumier*.

93. The Brother Director shall not permit cardplaying in the House. He may allow, outside of the regular recreation and at times indicated by the *Coutumier*, that certain outdoor games compatible with the dignity of the religious dress be played by the Brothers but in no case may outsiders be admitted to them.

He shall never permit that the Brothers take part in competitive sports, nor even be spectators; however, for supervision they may accompany their pupils to them.

94. After evening prayers he shall visit or have examined the principal doors of the House, to see whether they are locked, particularly those opening on the street.

95. The Brother Director shall reserve as private to the Brothers such parts of the Community as the canonical enclosure requires.

No outside persons may be admitted particularly to the meals, the recreations, common room and the sleeping quarters of the Brothers.

He shall never allow persons of the other sex to any other parts of the Community than the parlor. They may not be employed in the interior of the House, nor shall any assiduities on their part be tolerated.

The Brothers should inform the Brother Superior General if there be any abuses in this matter.

96. If the Community has a radio, with the authorization of the higher Superiors, the Brother Director will only permit a discreet use of it, and never during the time of the great silence and the religious exercises.

At all other times the control and use of the radio shall be under the authority of the Brother Director. He will permit its use only for good reasons.

The use of private radios is forbidden.

97. He shall not tolerate the use of tobacco; violation of this *Rule* may entail refusal of Vows for offenders

98. The Brother Director shall so arrange with the ordinary Confessor of the Community, that the Brothers may go to Confession every week, on a fixed day and at an appointed hour.

Every three months, an extraordinary Confessor shall be called for the Brothers.

He shall not refuse an extraordinary Confessor to a Brother whenever the latter asks to see one, and he shall not inquire, in any way, for the reason of this request, nor show that it is disagreeable to him, but he will delegate a companion to accompany him.

To avoid misunderstandings, he should make known our Rules to the Confessor, and especially our obligations regarding poverty and gratuitous teaching.

99. The Brother Director shall have at heart to promote frequent and even daily Communion, among his Brothers.

In very clear terms, he shall tell them all the joy he experiences as a result of their assiduity in receiving Holy Communion often; but that he sees nothing wrong

in omitting it at times, this being a proof of their liberty in the matter and a sign of timorous and delicate consciences ¹.

He shall often remind his Brothers of the requisite dispositions for receiving Holy Communion, as well as of the directions of Holy Church.

100. He shall see that the regulation of the daily and weekly exercises, and the Coutumier for the year, both approved by the Regime, be faithfully observed.

The Brother Director, in accord with his Council, shall draw up this daily regulation ² and the Coutumier ³, according to the spirit of the *Rules* and traditions of the Society.

He shall avoid any changes not motivated by circumstances of time and place.

After a suitable experience of these regulations, the Brother Visitor may authorize them provisionally and then send them without too much delay to the Regime for a final approval, with his reasons and advice.

When the Brother Director writes to the Brother Superior General to give an account of his employment and conduct, he shall make known to him the fidelity with which the regulations and the Coutumier have been observed.

101. The Brother Director shall not permit inter-Community invitations to or from neighboring Communities for feasts and outings without an express permission from the Brother Visitor.

¹ Circ. 304 : Directions of the Sacred Congregation of the Sacraments.
— ² Common Rules, Chapters XXIX, XXX, XXXI. — ³ Common Rules, Chapters XXXII, XXXIII, XXXIV.

VII. — *Solicitude for the classes.*

102. The Brother Director shall often remind the Brothers that to give a Christian Education is, for them, a professional obligation, which the very end of the Institute, the *Rule*, and religious obedience impose on them.

103. The Brother Director shall make every effort to maintain good order in the classes, and to see that progress is made regarding Christian Education, instruction and formation.

He shall often visit the classes, hold the examinations regularly, and encourage both teachers and pupils a great deal by his words and manner of acting and by a wise distribution of rewards.

104. The Brother Director shall be careful to back the authority of the teachers efficaciously.

The Brother Director shall apply himself to train his teachers well, and to see that they follow the methods and practices advocated in the *Management of the Christian Schools* and other manuals of pedagogy in use in the Society.

105. He shall not change any Brother from his class except by the order or the permission of the Brother Visitor.

Should he be obliged, in an urgent case, to change anyone, he shall at once advise the Brother Visitor of it, giving him the reasons for the change, and then carry out the orders which shall be given him.

106. The Brother Director shall see to the observance of hygienic prescriptions in all the establishment.

107. The Brother Director shall be vigilant that the pupils are well conducted at all times, that the proper procedures are followed, and that they are treated with kindness and patience, using only such repressive measures as are in use in our Institute. Corporal punishment is absolutely forbidden.

108. He shall sustain a noble emulation in the Classes for all the specialties of the program, and give careful attention to the condition of the books and copybooks, as well as to the politeness and refinement of the scholars.

109. He shall not introduce in the school any innovation contrary to our traditions.

He shall not use other texts than those edited by our procurers without serious reason and previous authorization.

110. In no case may the Brothers teach instrumental music in our ordinary schools.

With permission from the Brother Visitor the Brothers may learn to play the harmonium or other instruments, but they shall use this permission only in our schools or Houses according to the directions of obedience.

111. The Brother Director shall especially assure himself that the pupils receive a serious Christian instruction; that they know the letter of the diocesan Catechism well, and that the Brothers give them an explanation of it adapted to their age.

He shall see that the Catechism be commenced in every class at the proper time; that it be taught with zeal and method; and that it be followed and appreciated by the children.

112. He shall take the necessary means to have the children who go to the parish Catechism, know the lesson prescribed for them very well.

113. The Brother Director, from time to time, shall invite the parish priest to hold an examination in Catechism in the classes; he shall have these examinations or competitions conducted with an impressive amount of solemnity, in order the more to excite the emulation of the pupils.

114. He shall take heed that the pupils be trained to piety; that they know the prayers and say them modestly; pronouncing the words distinctly and with the necessary pauses; that they assist devoutly at holy Mass; that the prescribed prayers be said faithfully at the hours, and the remembrance of the Presence of God be announced in a loud voice, at the half-hours; that the reflections be well made every day, and especially that the children be properly prepared for the reception of the Sacraments.

115. The Brother Director, as also his Brothers, should have at heart to inspire the pupils with a great devotion towards their signal benefactor, Saint John Baptist de La Salle :

1° The Saint's picture or statue is to be in every class room.

2° Morning and evening prayers shall be terminated by one of the following invocations :

*Saint John Baptist de La Salle, Benefactor of Youth,
Pray for us.*

*Saint John Baptist de La Salle, Protector of Children,
Pray for us.*

*Saint John Baptist de La Salle, Patron of Christian
Schools, Pray for us.*

3° On special occasions the Brothers may give the pupils medals and pictures of the holy Founder, and pamphlets or books relating to his virtues, or which may tell of the favors attributed to his intercession.

116. In view of forming the young Brothers, and the better to assure himself of the knowledge and piety of the children, the Brother Director shall take pleasure in teaching Catechism or making the Reflections from time to time, now in one class, and now in another.

117. He shall take care that the children be well trained in singing hymns, and that they sing softly without straining the voice, which is more conducive to piety.

He shall give, or have lessons given in plain chant to the advanced classes, so that the pupils may be better able to take part in the liturgical offices.

118. The Brother Director and his Brothers shall exercise the full power of their zeal in preparing their pupils well for First Communion; they shall work efficaciously to second the ministry of the Priest in this most important spiritual duty.

119. In order to train the children to the practice of Christian Charity, the Brother Director shall, if possible, establish in the classes, the works of the Propagation of the Faith, of Peter's Pence, of the Holy Childhood. The alms of the pupils, however, should always be free and spontaneous.

120. The Brother Director shall do what lies in his power to establish, even in the lower schools, a short retreat for the pupils, at the beginning of the scholastic year; and at the end of it, a retreat for the more advanced pupils who are finishing their studies.

121. He shall take definite measures, with the advice of Brother Visitor, to organize some pious associations in the school, such as the Apostleship of Prayer, the Living Rosary, the Archconfraternities of the Divine Child and the Divine Crucifix.

He shall establish a Sodality of the Most Blessed Virgin, have it approved by the Ordinary and afterwards affiliated to the Prima Primaria of Rome.

122. In agreement with the Brother Visitor, the Brother Director shall apply himself to establish select associations of Catholic Action to promote the Christian perseverance of former pupils, to strengthen them in living virtuous lives, and make of them true apostles.

He shall assure himself that these associations do not degenerate simply into sporting clubs.

If possible, he shall organize monthly recollections, and from time to time closed retreats.

The functioning of these Associations must not be conducted so as to interfere with the spiritual exercises of the Community.

123. The Brother Director and his Brothers shall do all that is reasonably possible to second the Reverend Father who has charge of the spiritual direction of these Catholic Action Groups. In important decisions they shall seek the Priest's advice.

Nevertheless, the Brother Director shall retain his liberty of action in administrative questions; that is, the admission or exclusion of young men, the general supervision, and the care of financial resources, and also the organization of feasts and sports.

124. The Christian School should be a source of ecclesiastical and religious vocations.

Hence, the Brother Director shall make use of all the means suggested by a supernatural and prudent zeal to prepare choice souls to respond generously to God's appeal.

The Brother Director shall be particularly zealous to recruit subjects for the Novitiate and the Juniorate; he shall, therefore, frequently exhort his Brothers to contribute to it by their good example, prayerfulness, mortifications, frequent Communion and their zeal to bring up children in a true Christian spirit, so as to inspire them with practices of piety which will incline them to a virtuous life and generosity towards God, should He choose these youths for His service.

125. The Brother Director shall choose such books as prizes or rewards as will be for the souls of the pupils an incitement and help towards christian living.

126. He shall assure himself that recreative entertainments be not too frequent, and also be properly supervised during the rehearsals and the public performances.

He shall be watchful that the selections and songs be refined and conducive to the moral education of the pupils.

In no case may they end at a late hour.

The Brother Director should be mindful of the fact, that moving pictures in schools may be the cause of danger and that care in their choice is a matter of grave obligation.

The supervision of the halls and the previous control of films, are matters of importance that call for the attention of the Brother Director.

No films may be shown without his authorization and previous control by a qualified Brother.

The Brother Director may not permit the pupils to be taken to public theatres when moving pictures are shown except for reserved and guaranteed clean representations, and where ecclesiastical sanctions allow them.

127. The music room and the places for practice used by the pupils should have glazed partitions and doors, without obstructions.

128. The Brother Director shall regard the observance of the following prescriptions of *Rule* as of great importance :

- 1° No Brother is to remain in class after the general dismissal of the school. All the Brothers shall return to the Community as soon as class is over.
- 2° No pupil is to be retained alone in class, under pretext of work or punishment.

129. The gratuity of our schools, which was so dear to our holy Founder, shall be held in great esteem by the Brother Director. He shall show great kindness, and as it were, a sort of predilection for the poorest children, and even do all he can to obtain some alms, in view of giving these children class requisites free of charge, and also, if possible, some articles of clothing.

130. The Brother Director shall not employ the parents of the pupils at any work in the hope that they will do it without payment.

He shall be insistent, that under no pretext, may lotteries or subscriptions, for the benefit of the Community, be organized amongst the pupils.

131. If circumstances require the supervision of pupils outside of school time, the Brother Director shall take

heed, that it never interfere with the regular attendance of the Brothers at the exercises or be detrimental to their health.

He should avoid appointing for this duty Brothers whose presence is necessary for the good order of the Community; and he shall never appoint a Brother alone for this duty in a school away from the house.

132. The Brother Director should not easily permit that his Brothers undertake teaching either pupils or other outsiders out of the regular school time. For any such derogations of this *Rule*, during vacation time or other times, he must seek advice from the Brother Visitor, and he shall designate to him the names of the Brothers to whom he proposes to give such courses.

VIII. — Relations with persons outside the Institute.

133. The Brother Director shall be mindful that a parlor man is often a poor religious.

When called to the parlor he shall limit himself to the strictly necessary, and quickly return among his Brothers.

134. When the Brother Director believes himself obliged to go out of the house, he shall examine for a moment in the Presence of God whether it be necessary.

He shall so act that his visits be short, and guard against eating or drinking whilst out; he shall have this *Rule* exactly observed also by all his Brothers.

The Brother Director may not leave the city for any business whatever, without the permission of the Brother Visitor.

135. The Brother Director shall always take a companion in his necessary visits of civility, and generally for all visits away from the Community.

He should remember to tell the Brother Sub-Director or the senior Brother of the Community when he wishes to go out, and to let him know whom he is taking as companion.

136. A good understanding with the clergy will appear to him so important, that he shall neglect nothing to maintain it; he must be attentive that he act similarly with regard to the civil authorities. If however, any difficulties should arise, or if anything contrary to the *Rules* or customs of the Institute should be required, he must immediately notify the Brother Visitor of it, and await his answer before acting, carefully avoiding all discussion of the subject.

The Brother Director must refrain from readily citing the *Rules* as a reason for refusing what cannot be granted, for fear of exposing them to criticism; but he may allege reasons of convenience, utility, greater good, general interest, etc.

137. When the Brother Director converses with seculars he should do so with propriety and refinement, and with all the reserve recommended by our Holy Founder.

He should be attentive to recall that conversations with persons of the other sex should be rare, short and reserved.

He shall not give to outsiders the *Rule*, the *Rule of Government*, the *Collection* or the *Circulars of the Superior General* for perusal.

138. The Brother Director shall be watchful not to allow himself or his Brothers to intermeddle with any temporal affairs not connected with the Community or with purely political concerns.

They shall, therefore, avoid giving their names as a security for others, even with their own private property, unless with permission of the Brother Superior General.

139. The Brother Director shall not write any unnecessary letters. Should he have to write to an ecclesiastic, or to a member of the civil government or Department of Education in an affair of some importance, he should, before writing take counsel with the Brother Visitor. An imprudent letter written in a moment of thoughtlessness or excitement, might have very regrettable consequences.

140. The Brother Director shall not cause or allow the printing of anything whatever, such as books, tracts, prospectuses, circulars, etc., without the authorization of the higher Superiors.

He shall not without this authorisation supply articles, even anonymous, to reviews or newspapers.

141. Unless expressly authorized by the higher Superiors, the Brother Director shall not give, nor allow any of his Brothers to give public addresses, discourses, or conferences in political, scientific, educational or charitable reunions.

142. He shall see that tradesmen bring the necessary goods to the house, so that the Brothers employed in temporal concerns may have to leave the Community but rarely; and as far as possible, like the other Brothers, take a companion with them upon leaving the Community.

143. The Brother Director must be insistent not to give hospitality to unknown persons, nor shall he lend them money, even when they present themselves under the guise of piety or when they say they are parents or relatives of Brothers.

IX. — The Brothers Directors' account of conduct to the Brother Superior.

144. At the determined times, the Brother Director must render an account of his conduct as Director, and be inspired by the articles of the present Chapter grouped under the following headings :

- 1° Dependence upon the Brother Superior General;
- 2° The care of his own perfection;
- 3° His obligations concerning regularity;
- 4° His relations with outsiders.

145. The Brother Director shall inform the Brother Superior General of the conduct of each of his Brothers mentioning the following :

- 1° The health of each Brother;
- 2° The regularity of each Brother; his observance of silence, recollection, mortification, application to Mental Prayer; progress in exterior piety; reserve with the world; his most notable and most ordinary exterior defects, and the means taken to correct them so as to advance in perfection;
- 3° His fidelity in school duties, his professional competency, his influence and his zeal to inspire piety in his pupils, teaching of Catechism, fostering of vocations; his conduct towards his pupils; his activities in extra-curricular Associations.

146. The Brother Director must also render an account to the Brother Superior General, of his care of the school, of his economic management of the Community and

of the regularity of the Community under the following headings :

- 1° Conduct of the school;
 - 2° Economic management;
 - 3° Regularity of the Community.
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CHAPTER XX

RULE OF THE BROTHER DIRECTOR OF A LARGE EDUCATIONAL ESTABLISHMENT

1. The Brother Director of a Boarding School (Secondary and Superior Schools, Colleges, Technical Schools, Normal or Teachers Training Schools, Military Schools, Agricultural Schools, Schools for under privileged children, Ordinary Boarding Schools, etc.) shall apply to himself all the prescriptions of the previous chapter referring to the Brother Director.

He must be especially attentive to observe the following prescriptions :

1. — The Brother Director and his personal sanctification.

2. The Brother Director shall have a special esteem for the Christian education of the children of the working class and the poor in gratuitous schools : the essential mission of the Institute.

In his conferences and reditions the Brother Director shall endeavor to make his Brothers esteem and love this mission, and each one of them should consider it a great blessing to be able to devote himself to this apostle

ship. The Brother Director himself should be interested in popular education in the district and favor its progress in an efficacious manner. He will endeavor to establish a gratuitous school depending on his establishment for its upkeep and religious personnel.

3. In view of perfectly accomplishing his mission, the Brother Director shall subordinate his duties according to their importance, so as to give each duty the time and care it requires; thus, he shall occupy himself principally and above all, with his advancement in perfection. He shall give to his Community and the pupils, much of his time, and little to their families.

4. He must not absent himself from the spiritual exercises of the Community. In case of evident necessity, he will delegate his Sub-Director to represent him. He shall make it known in the prospectus of the School that only on certain days and at definite hours will he be at the disposal of the families of pupils to receive them.

5. The Brother Director must be vigilant to observe the recommendations of his Superiors touching upon the conduct of a large educational establishment, and frequently, he will have recourse to their counsels.

He shall change nothing without their authorization in the prospectus of the establishment, the course of studies and other special points of the regulation.

6. He must follow up the financial management of his House, and seek in advance the permissions required for exceptional expenses.

7. Being more exposed than others to receive compliments and praise, the Brother Director shall guard against his own personal thoughts and desires so as to maintain himself in humility.

II. — The Brother Director and his Community.

8. The Brother Director ought to be most devoted to the numerous Community with which God has entrusted him.

He shall apply himself to give it the religious, intellectual, and professional directions suitable to it.

9. He shall be most anxious to promote study among the Brothers, giving them lessons or causing lessons to be given according to their needs, their employment, and their aptitudes.

Prudence, reserve and the religious spirit should always direct him in the choice of professors' books, especially in history, philosophy, literature, the natural sciences and the fine arts.

10. To assure for every Brother fidelity to the spiritual exercises, the Brother Director shall divide the Community into two groups; he will preside over the more important group, and assign a Brother to preside over the other group and assure himself of the fidelity of each Brother to perform the spiritual exercises.

III. — Duties towards the pupils.

11. Since pupils remain longer in boarding schools than in ordinary schools, they should receive a more complete intellectual, moral and social formation in order to prepare them for their future function as heads of society.

12. The Brother Director shall avoid trying to do everything by himself; he shall delegate a part of his authority to those who are to help him.

He shall give the general direction and impetus to the establishment and control everything, but he shall leave suitable initiative to his assistants, and make them feel that he has entire confidence in them.

13. The Brother Director will prevent many faults and disorders by proper organisations he shall avoid complaining, shall rarely reprimand, shall manifest satisfaction at what is well done, and encourage all serious efforts.

14. The Brother Director shall make it one of his principal duties to attend to the proper organization of courses of studies. With the aid of the Brothers, he will draw up the schedule of studies, indicate the best methods and procedures so as to cultivate especially the intellect and judgment of the scholars.

The spirit of the school shall be essentially that of Catholic education, whose principal end is to form in each pupil a Christian gentleman, according to the likeness of Christ.

15. The Brother Director of a large educational establishment shall arrange matters with the Reverend Chaplain in order that the pupils may have every facility for approaching the Sacraments and duly preparing for them; therefore, on days when many of the pupils wish to receive Holy Communion, a Confessor should be at the disposal of these pupils and every aid given them to encourage their good will.

16. He should not list the communicants or permit any emulation between classes, or announce general Communions, without having previously explained that such Communions are to be received with perfect freedom on the part of all, and that whether they approach or

not, is not a matter of bias, or judgment by anybody. He shall avoid having the pupils approach the Holy Table in rigid, military rank, one bench after the other, and the wearing of special insignia by those who communicate.

17. The Brother Director shall apply himself to promote Catholic Action and the organizations which prepare for it, so that his establishment may become a nursery of militant members and leaders of diverse specialized societies.

18. The care of the health of the pupils should be one of the preoccupations of the Director of a boarding school. He will see to it that an experienced physician be available to visit the students on the first symptoms of sickness, and on days appointed by the health authorities.

No student may be allowed to bathe in the sea or river unprotected, or take part in any dangerous sports, without the advice of the physician.

19. Life in a boarding school requires a greater supervision than in a day school; however, that supervision must be paternal and reasonable. Vigilance in dormitories is necessary to prevent disorder.

No student may remain away from the school at night unless with express permission from the Brother Director, and only when the boarder goes to his family or to his responsible guardian.

If any student is unable to adapt himself to the regulation of the boarding school he should be returned to his family. This would be strictly applicable to one whose conduct might be of harmful influence to his comrades.

20. The Brother Director of a boarding school must see that the boarders be given a certain amount of relaxation, such as recreative entertainments, walks in the country, games and various sports.

He shall see that all such activities be in accord with the laws of hygiene, and those of prudence, and conformable to the directions of Holy Church, so that even these relaxations may contribute to the moral and supernatural interests of the students.

CHAPTER XXI

THE BROTHER DIRECTOR OF NOVICES

1. The Brother Director of Novices shall endeavor to acquire in a high degree the qualities of a Brother Director of a House of the Institute.

His whole conduct must be truly wise, attractively edifying and so well regulated that he may be able to say to his disciples : « Be you followers of me as I also am of CHRIST. » (I. Corinthians, IV, 16.)

2. He must be convinced that the most important responsibility of his office is the formation of excellent Novices, on which the future of the Institute depends.

The Brother Director of Novices shall not undertake any occupation which might interfere with the constant care he must exercise over his Novices.

No charge may be given him which would prevent him from dedicating himself entirely to the training of his disciples.

12. The procedures which the De La Salle Order operated for the inspection of Rubane House;

The Provincial (sometimes the Assistant Provincial), who is the administrative and spiritual supervisor of all the Brothers in Ireland, inspected Rubane at least once a year over a 3 day period. His attendances are documented within the 'History of the House'. He would have undertaken an inspection of facilities and reviewed the personal needs of the Home in respect of staff and funding. On each occasion he would have an opportunity to talk with all staff, religious and lay, and to interact with the boys themselves. The purpose of the visit was to inspect the Brother's Community and every aspect of the running of the Home – the quality of the care, staff levels, finances and the conduct of the Brothers. He had a private interview with each Brother and under the Brother's Rules a Brother was obliged to report a breach of rules or misconduct by another Brother/staff to him.

The Home was subject to inspection by the Board of Governors and by the various government ministries and the Order actively co-operated with these inspections.

The Director of the Community at Rubane would have responsibility for ongoing inspection as regards facilities, staffing levels and complaints. He would have provided an annual report to Diocese, Provincial and government agencies but he would also be responsible for raising issues which each of the stakeholders which required action within the annual inspection regimes.

A 'History of the House' was maintained by Brothers of the Community. Between 1952 and 1970 a record of important events, as required by the 1952 Children and Young Persons Regulations was maintained. Both of these documents were available for inspection by the Provincial.

13. The procedures which the De La Salle Order operated for the recruitment of staff to work in Rubane House;

Procedures were different for religious and lay staff.

The nomination of a Brother – either in a teaching or caring role would have been the responsibility of the Provincial. A need for an appointment would be identified through various means e.g request from a Bishop as per the inception of the Rubane Community or through a request by a Community Director for more assistance and help.

The Provincial would be able to identify available resources within his Province from personal knowledge and experience. Generally he would make contact with the particular Brother and discuss potential transfer and deployment to a new community with him.

The Director of the Community at Rubane would have been responsible for the employment of lay staff. In the early years this may have simply taken place by word of mouth. The lay staff required – cooks, cleaners, gardeners would have been employed from the locality. The Parish Priest or neighbouring residents may have been a source of reference.

It is possible that from the late 1960s (perhaps with the Chalet extension) jobs began to be advertised and applications, accompanied with references would have been required for lay posts. The Director would have interviewed applicants personally. Samples of the application forms and references are available for the later years.

From 1979 and the formation of the Management Committee the Management Committee took over the role of staff appointments from the Director though the Minutes of the Governing Board for 1974 and 1975 record the need for an 'interviewing panel'.

Voluntary Homes

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3.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“the Act” means the Children and Young Persons Act (Northern Ireland), 1950 ;

“administering authority” means the person or persons carrying on the voluntary home ;

“child” means a person under the age of eighteen ;

“Fire Service” means in the area of the County Borough of Belfast the Belfast Fire Brigade and elsewhere in Northern Ireland the Northern Ireland Fire Authority ;

“home” means a voluntary home as defined by Section 98 of the Act ;

“primary school” has the same meaning as in the Education Act (Northern Ireland), 1947 ;

“the Ministry” means the Ministry of Home Affairs for Northern Ireland ;

“training school” has the same meaning as in the Act.

(2) The Interpretation Act, 1889, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

4.—(1) The administering authority shall ensure that each home in its charge is conducted in such a manner and on such principles as will further the well-being of the children in the home.

(2) The administering authority shall make arrangements for the home to be visited at least once in every month by a person who shall satisfy himself whether the home is conducted in the interests of the well-being of the children, and shall report to the administering authority upon his visit and shall enter in the record book referred to in the Schedule hereto his name and the date of his visit.

5.—(1) The administering authority shall appoint a person to be in charge of the home :—

Provided that any person in charge of the home immediately before these Regulations come into force shall be deemed to have been appointed to be in charge of the home under this paragraph.

(2) The person in charge of the home shall compile the records referred to in the Schedule to these Regulations and shall keep them at all times available for inspection by any inspector appointed by the Ministry.

(3) The person in charge of the home shall be responsible for the custody of the medical records of each child and shall keep them at all times available to the medical officer or to any inspector appointed by the Ministry.

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.

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.

Application
of this
Part of
this Act.

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

1947, c. 3.

- (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 ;
- (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 :

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&22 Geo. 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.

(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

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.

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.

Regulation
of number of
children to
be kept.

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

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).

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:

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

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.

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

Notices.

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

1948, c. 13.

1949, c. 1.

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.

(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.

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

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

(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.

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.

Allowing
children
or young
persons to be
in brothels.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885 (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.

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.

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

(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

- (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.

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.

Taking
pawns from
persons
under
sixteen.

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."

Restriction
on trans-
actions of
general
dealers.
3 Edw. 7,
c. 44.

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.

Vagrants
preventing
children
from
receiving
education.

(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.

Entertainments and performances.

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.

Failing to provide for safety of children at entertainments.

(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.

Restrictions
on children
taking part
in enter-
tainments.

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

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.

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.

Prohibition
against
persons
under
sixteen
taking part
in perform-
ances en-
dangering
life or limb.

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

Restrictions
on training
for perform-

ances of a
dangerous
nature.

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-

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.

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. Savings.

(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.

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

Power to
take offend-
ers 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

- (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.

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.

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

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

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

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."

Interpreta-
tion 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 con-
stabulary
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

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.

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.

(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.

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

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

- (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.

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.

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

(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.

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:

Evidence of child of tender years.

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.

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—

Power to prohibit publication of certain matter in newspapers.

- (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

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.

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.

Power to proceed with case in absence 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

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

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
considera-
tions.

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,

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.

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.

Constitution
of 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 :

Assignment
of certain
matters to
juvenile
courts.

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,

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.”

(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.

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.

Procedure
in juvenile
courts.

(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.

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.

(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.

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

Age of criminal responsibility.

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.

Removal of disqualifications attaching to felony.

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.

Restrictions on punishment of children and young persons.

(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.

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

Punishment of certain grave crimes.

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
imprison-
ment.

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

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

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 conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to
order parent
to pay fine,
etc., instead
of 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.

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.

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 ;

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

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.

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.

Summary trial of indictable offences.

(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

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.

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

Definition
of "in need
of care or
protection."

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

8 Edw. 7,
c. 45.

(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

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

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.

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—

Powers of
other
courts.

- (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.

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

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

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

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

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.

(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.

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.

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

(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

- (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.

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 :

Coming into
force of
training
school
orders.

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.

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.

Contents of
training
school
orders.

(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

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.

(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.

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.

Duration
and effect of
training
school
orders.

(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.

(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

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.

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 :

Extension
of period of
detention in
training
schools.

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.

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—

Supervision
and recall
after ex-
piration of
order.

- (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 :

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.

(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.

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 :

Committal
to welfare
authorities
as "fit
persons."

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

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 :—

- (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.

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

Power of welfare authority to apply for parental rights order.

- (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.

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

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.

Effect of
parental
rights
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

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

84.—(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-

- 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.

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.

Children in
care of
Minister of
Pensions.

(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.

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.

Children
becoming
subject to
the Lunacy
and Mental
Health
Acts.

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

a welfare authority are references to a child for the time being received into or committed to the care of the authority as aforesaid.

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.

General
duty of
welfare
authority.

(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.

(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.

1950, c. 6.

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.

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—

Mode of
provision of
accommoda-
tion and
mainten-
ance.

- (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-

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

- 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.

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.

Duty of welfare authorities to provide homes.

(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—

- (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.

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.

Accommodation of children in voluntary homes.

(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.

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.

Power of welfare authorities to arrange for emigration of children.

(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.

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:

Burial or cremation of deceased children.

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.

(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

Education Act (Northern Ireland), 1947, and local education authorities constituted under that Act may co-operate with welfare authorities in that behalf.

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.

Welfare
authorities
and local
education
authorities.

PART VI.—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—

Definition
of voluntary
homes.

- (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.

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.

Registration
of voluntary
homes.

(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

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,

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.

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.

Appeals.

(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,

(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.

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—

Regulations
as to conduct
of voluntary
homes.

- (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.

(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;

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.

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.

Provision
of remand
homes.

(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

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.

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.

Provisions
as to
custody of
children
and young
persons in
remand
homes.

(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.

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

Approval of
schools.

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