

TRINIDAD AND TOBAGO.

No. 40.—1922.

I ASSENT,

[L.S.]

S. H. WILSON,
Governor.

9th December, 1922.

AN ORDINANCE to provide for altering the titles “Reformatory School” and “Industrial School” to “Industrial School” and “Orphanage” respectively, and to amend and consolidate the law relating to such institutions.

[9th December, 1922.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Industrial Schools Short title. and Orphanages Ordinance, 1922.

2.—(1) In this Ordinance, unless the context otherwise Interpre- requires—
tation.

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

[Price 1/-.]

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

“Certified school” means an Industrial School or Orphanage which is certified in accordance with the provisions of this Ordinance ;

“Inspector” means the Inspector of Industrial schools and Orphanages appointed under this Ordinance ;

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

“Constable” means a member of the Constabulary Force.

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

Government
Schools.

3.—(1) It shall be lawful for the Governor in Executive Council to establish Government Industrial Schools and Orphanages and to appoint all necessary and proper officers in connection therewith ; and the provisions of this Ordinance, with the exception of the provisions of sections 6 to 15 (both inclusive), shall apply to all such Schools as if they were certified schools.

(2) The expense attendant upon the establishment, conduct and maintenance of such Schools shall be paid out of moneys to be voted by the Legislative Council.

Appointment
of Inspector.

4.—(1) It shall be lawful for the Governor to appoint an Inspector of Industrial Schools and Orphanages at such salary as may be voted from time to time by the Legislative Council, and the person who at the time of the commencement of this Ordinance holds the offices of Inspector of Reformatory Schools and Inspector of Industrial Schools shall be the first Inspector of Industrial Schools and Orphanages under this Ordinance.

(2) The Inspector shall perform all the duties imposed on him by this Ordinance, and shall be charged with the general superintendence of all schools established under this Ordinance, or existing at the time of the commencement of this Ordinance, and shall in particular from time to time inspect all Industrial Schools and Orphanages and shall make such reports and in such form as the Governor may from time to time direct.

5.—(1) The Reformatory and Industrial Schools in existence at the commencement of this Ordinance and known respectively as the Diego Martin Boys' Reformatory, the Belmont Girls' Reformatory, the Belmont Orphanage and Industrial School and the Tacarigua Orphanage and Industrial School shall after the commencement of this Ordinance be known as the Diego Martin Boys' Industrial School, the Belmont Girls' Industrial School, the Belmont Orphanage and the Tacarigua Orphanage respectively, and shall be deemed to be certified schools within the meaning of this Ordinance, and the provisions of this Ordinance shall apply to all such existing schools as if they had been schools originally certified under the provisions of this Ordinance, and to youthful offenders and children detained in such schools at the commencement of this Ordinance under any enactment repealed by this Ordinance, or under any other enactment, as if they were so detained in pursuance of this Ordinance.

(2) In any Ordinance (other than this Ordinance), Order in Council, Proclamation, bye-law, rule or regulation, and in any legal document, references to a Reformatory School shall be deemed references to an Industrial School, and references to an Industrial School shall be deemed references to an Orphanage.

6.—(1) It shall be lawful for the Governor to convey, lease or otherwise assure land for the site of a school to be established under the provisions of this Ordinance to such persons or person as managers or manager, upon such terms and subject to such conditions and stipulations relative to re-conveyance, forfeiture and resumption of such land or otherwise as to him shall seem fit and proper.

(2) Upon the withdrawal of any certificate as hereinafter provided, it shall be lawful for the Governor or any person authorized by him to make entry upon and resume possession of all lands which may have been conveyed, leased, or otherwise assured to any person under this section, and of all buildings and erections thereon. Such entry upon and resumption of any such lands and buildings by the Governor or any person so authorized by him shall operate as a re-conveyance or surrender thereof as the case may be to His Majesty by the person to whom the same shall have been conveyed, leased, or otherwise assured; and such lands and buildings shall from thenceforth become absolutely vested in His Majesty.

Certification of Schools.

Certification
of schools.

7.—(1) The Governor may upon the application of the managers of any Industrial School or Orphanage direct the Inspector to examine into the condition and regulations of the school and its fitness for the reception of youthful offenders or children to be sent there under this Ordinance, and to report to him thereon.

(2) The Governor, if satisfied with the report of the Inspector, may certify that the school is fit for the reception of youthful offenders or children to be sent there in pursuance of this Ordinance.

Power of
Governor to
withdraw
certificate.

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

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

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

Resignation
of certificate
by managers.

10. A youthful offender or child shall not be received into a certified school in pursuance of this Ordinance after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate for the school or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any youthful offenders or children detained in the school at the respective dates aforesaid shall, except so far as the Governor otherwise directs, continue until the withdrawal or resignation of the certificate takes effect, or until the discontinuance of payments under rules made under this Ordinance towards the expenses of the offenders and children detained in the school, whichever may first happen.

Effect of
withdrawal or
resignation
of certificate.

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

Disposal of
inmates on
withdrawal or
resignation of
certificate.

12. A notice of the grant of a certificate to an Industrial School or Orphanage or of withdrawal or resignation of such a certificate, shall within one month be published in the *Royal Gazette*.

Advertisement
of grant, etc.,
of certificate.

Duties and Powers of Managers.

13. The managers of a certified Orphanage, though not of a certified Industrial School, may decline to receive any youthful offender or child proposed to be sent to them in

Liabilities of
managers.

pursuance of this Ordinance, and when such managers, whether of a certified Industrial School or Orphanage have once accepted any such offender or child they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate for the school, or until the discontinuance of payments under Rules made under this Ordinance towards the expenses of the offenders or children detained in the school, as hereinafter provided, whichever may first happen.

Power to
make rules.

14. The managers of a certified school may at any time, and shall whenever so required by the Governor in Executive Council, make rules for the management and discipline of the school, but the rules so made shall in all cases be subject to approval by the Governor in Executive Council.

Approval of
alteration, &c.,
of buildings.

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

*Mode of sending Offenders and children to Certified Schools
and their treatment therein.*

Commitment
of offenders
between 10
and 16 years
of age to
Industrial
schools.

16. Where a youthful offender, who, in the opinion of the court before which he is charged, is ten years of age or upwards but less than sixteen years of age, is convicted, whether on indictment or by a magistrate of an offence punishable in the case of an adult with imprisonment, the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order that he be sent to a certified Industrial school :

Provided that where the offender is ordered to be sent to an Industrial school he shall not in addition be sentenced to imprisonment.

Children
liable to be
sent to
Orphanages.

17.—(1) Any person may without a warrant bring before a magistrate any person apparently under the age of fourteen years who :—

(a) is found begging or receiving alms (whether or not there is any pretence of singing, playing,

- performing, offering anything for sale, or otherwise), or being in any street, premises or place for the purpose of so begging or receiving alms ; or
- (b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship ; or
 - (c) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing imprisonment ; or
 - (d) is an orphan and has not got a guardian or some person able and willing to provide for him ; or
 - (e) is under the care of a parent or guardian, who, by reason of criminal or drunken habits, is unfit to have the care of the child ; or
 - (f) is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence under section 36 or section 37 of the Offences against the Person Ordinance, No. 14, in respect of any of his daughters, whether legitimate or illegitimate ; or
 - (g) frequents the company of any reputed thief, or of any common or reputed prostitute ; or
 - (h) is lodging or residing in a house or the part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child ;

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

(2) Where a child apparently under the age of ten years is charged before the Supreme Court or before a magistrate with an offence punishable in the case of an adult by imprisonment or a less punishment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a certified Orphanage.

(3) Where a child, apparently of the age of ten or eleven years, who has not previously been convicted, is charged before a magistrate with an offence punishable in the case of an adult by imprisonment or a less punishment, and the court is satisfied that the child should be sent to a certified school but, having regard to the special circumstances of the case, should not be sent to a certified Industrial School, and is also satisfied that the character and antecedents of the child are such that he will not exercise an evil influence over the other children in a certified Orphanage, the court may order the child to be sent to a certified Orphanage, having previously ascertained that the managers are willing to receive the child :

Provided that the Governor may, on the application of the managers of the Orphanage, by order transfer the child to a certified Industrial School.

Choice of
school.

18.—(1) The school to which a youthful offender or child is to be sent under a detention order shall be such school as may be specified in the order, being in the case of a certified Orphanage, some school, the managers of which are willing to receive the youthful offender or child.

(2) Pending the receipt of the approval or direction of the Governor, where required under this Ordinance, the youthful offender or child in respect of whom a detention order has been made may, by direction of the court by which such order was made, be detained either in a place of detention or in the custody of any person named by the court, and the provisions of this Ordinance with respect to the detention of youthful offenders or children under a detention order shall apply to an offender or child directed to be detained as aforesaid.

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

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

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

(a) In the case of a youthful offender sent to an Industrial School, until such offender attains the age of eighteen years; provided that the court, if it thinks fit to do so may, on the application of the managers of a certified Industrial School and with the consent of such offender, make an order extending the time of detention in the case of a female until she attains the age of twenty-one years.

(b) In the case of a child sent to an Orphanage, until such child attains the age of sixteen years: provided that the court, if it thinks fit to do so may, on the application of the managers of a certified Orphanage and with the consent of such child, make an order extending the time of detention in the case of a male until he attains the age of eighteen years and in the case of a female until she attains the age of twenty-one years.

21.—(1) The Supreme Court or a magistrate, in determining the school to which a youthful offender or child is to be sent, shall endeavour to ascertain the religious persuasion to which the offender or child belongs, and the

detention order shall, where practicable, specify the religious persuasion to which the offender or child appears to belong, and a school conducted in accordance with that persuasion shall, where practicable, be selected.

(2) In all cases in which the religion of the parents or guardians of any youthful offender or child is not known, such offender or child shall be deemed to belong to that religious persuasion in which he shall appear to have been baptized, or of which he shall profess to be a follower.

(3) Where an order has been made for sending a youthful offender or child to a certified school which is not conducted in accordance with the religious persuasion to which the offender or child belongs, the parent, step-parent or guardian, or, if there be no parent, step-parent or guardian, then the god-parent or nearest adult relative may apply—

- (a) if the detention order was made by a magistrate, then to such magistrate ; and
- (b) in any other case, to the Governor ;

to remove or send the offender or child to a certified school conducted in accordance with the offender's or child's religious persuasion, and the magistrate or Governor, as the case may be, shall on proof of the offender's or child's religious persuasion, comply with the request of the applicant :

Provided that—

- (i) the application must be made before the offender or child has been sent to a certified school, or within thirty days after his arrival at the school ; and
- (ii) the applicant must show to the satisfaction of the magistrate or Governor that the managers of the school named by him are willing to receive the offender or child ;
- (iii) nothing in this section shall be construed as preventing any such person as aforesaid from making an application to the Governor after the expiration of the said period of thirty days to exercise the powers of transfer conferred upon him by the other provisions of this Ordinance.

22. If there be no school in the Colony conducted in accordance with the religious persuasion of any youthful offender or child and the Supreme Court or magistrate shall by reason thereof be unable to choose a school, then and in such case such youthful offender or child shall be sent to such school as the Governor may direct, or as may be prescribed for such cases by rules made under the authority of this Ordinance.

When no school conducted according to religion of offender or child.

23. The parent or guardian, or if there be no parent or guardian, then the Protector of Immigrants in the case of a youthful offender or child whose parents are or were Indian Immigrants, or in any other case the sponsor or nearest adult relative of any youthful offender or child directed to be sent to a school which is not conducted according to the religious persuasion of such youthful offender or child, may claim by notice in writing addressed to the managers of such school the exemption of such youthful offender or child from attending prayer, or religious worship, or from any lesson or series of lessons on a religious subject, and such youthful offender or child shall be exempted accordingly.

Exemption from religious instruction &c.

24. It shall be the duty of the managers to submit such notice to the Inspector for his information and guidance, and the managers shall in every such case make proper provision for enabling any such youthful offender or child to attend Divine worship at his church or place of worship and to receive religious instruction according to the doctrines or formularies of the denomination, church or sect to which he may belong.

Manager to submit notice claiming exemption to Inspector.

25.—(1) If the managers of any school shall permit or suffer any youthful offender or child to attend prayer or religious worship, or to be taught any particular religious doctrine from the attendance at which, or from the teaching of which any exemption has been claimed by notice as in section 23 provided, it shall be the duty of the Inspector to make full enquiry into the matter and to report thereon to the Governor.

Inspector to report to Governor when exemption not observed.

(2) The Governor may on such report, if he shall think fit, order such youthful offender or child to be transferred to some other school.

Governor on report may transfer offender.

Placing out on
licence.

26.—(1) When a youthful offender or child is detained in a certified school, the managers of the school may at any time, with the consent of the Governor, by licence permit the offender or child to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him.

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

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

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

(5) The time during which a youthful offender or child is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school :

Provided that, where a youthful offender or child has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

(6) Where a licence has been revoked or forfeited and the youthful offender or child refuses or fails to return to the school, a magistrate, if satisfied by complaint on oath that there is reasonable ground for believing that his parent or guardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend on such day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Ordinance, be liable on conviction before a magistrate to a fine not exceeding one pound.

27.—(1) The Governor may at any time order a youthful offender or child to be discharged from a certified school, either absolutely or on such conditions as the Governor approves, and may, where the order of discharge is conditional, revoke the order on the breach of any of the conditions on which it was granted, and thereupon the youthful offender or child shall return to the school, and if he fails to do so, he and any person who knowingly harbours or conceals him or prevents him from returning to school shall be liable to the same penalty as if the youthful offender or child had escaped from the school.

Discharge and transfer.

(2) The Governor may order—

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

provided that the whole period of detention of the offender or child shall not be increased by the transfer, and that where the school to which a child is ordered to be transferred is a certified Orphanage, the order shall have no effect unless the managers signify their willingness to receive the child.

(3) The Governor may by writing under his hand order a youthful offender or child detained in a certified school to be transferred for medical treatment and care to a hospital or asylum, upon such terms and conditions and for such period as to him shall seem proper.

When the Chief Medical Attendant of any hospital or asylum shall certify under his hand to the Governor that any such youthful offender or child is in a fit state to be discharged therefrom, the Governor shall by writing under his hand, order such youthful offender or child to be sent

back to the certified school from which he was originally transferred, there to be detained until completion of his unexpired term in such school.

(4) If such youthful offender or child fails to return to such school as in the preceding sub-section mentioned, he and any person who knowingly harbours or conceals him or prevents him from returning to school shall be liable to the same penalty as if the youthful offender or child had escaped from the school.

Re-committal
to Industrial
School.

28.—(1) Where a person who has been sent to a certified Industrial School, whether before or after the commencement of this Ordinance, is either while at the school or after his discharge from the school, convicted, whether on indictment or summarily, of an offence for which he can or could, were he an adult, be sentenced to imprisonment without the option of a fine and is, in the opinion of the court before which he is charged, not more than seventeen years of age, the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order that he be again sent to a certified Industrial School for any period not less than one year or more than five years, but not in any case extending beyond the date on which such person will, in the opinion of the court, attain the age of eighteen years.

(2) A person ordered to be sent to a certified Industrial School shall not in addition be sentenced to imprisonment.

Transfer from
prison to an
Industrial
School.

29. The Governor may, if he thinks fit, at any time order a person sentenced to imprisonment, whether before or after the commencement of this Ordinance, who, in the opinion of the Governor, is under the age of seventeen years to be transferred from prison to a certified Industrial School and there to be detained for any period not less than one year or more than five years, but not in any case extending beyond the date on which such person will, in the opinion of the Governor, attain the age of eighteen years.

Power to
apprentice.

30. The managers of a certified school may, if a youthful offender or child detained in or placed out on licence from such certified school has conducted himself well for at least twelve months, bind such youthful offender or child, provided he is over thirteen years of age and consents

thereto, apprentice to any trade, calling, or service, for such term, in such form, and under such conditions as are approved of by the Governor, notwithstanding that the period of detention of such youthful offender or child has not expired, and such apprenticing shall be valid and effectual to all intents as if the managers were his parents :

Provided that no such term of apprenticeship shall continue for a longer period than five years or beyond the day when the apprentice attains the age of twenty-one years in the case of a youthful offender, or in the case of a child, of eighteen years.

Offences in relation to Certified Schools and Apprentices.

31.—(1) If a youthful offender detained in a certified Industrial School is guilty of a serious and wilful breach of the rules of the school, or of inciting other inmates of the school to such a breach, he shall be liable upon conviction before a magistrate to have the period of his detention in the school increased by such period not exceeding six months as the magistrate directs, or, if of the age of sixteen years or upwards, to be imprisoned, with or without hard labour, in the Royal Gaol, for any term not exceeding three months ; and if sentenced to imprisonment he shall, at the expiration of the term thereof, be brought back to the school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison. Refusal to conform to rules.

(2) If a child of the age of twelve years or upwards detained in a certified Orphanage is guilty of a serious and wilful breach of the rules of the school, or of inciting other inmates of the school to such a breach, he shall be liable on conviction before a magistrate to be sent to a certified Industrial School, and to be there detained, subject and according to the provisions of this Ordinance.

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

32.—(1) If a youthful offender detained in a certified Industrial School escapes from the school, he may, at any time before the expiration of his period of detention, be Escaping from school.

apprehended without warrant, and may be then brought before a magistrate ; and he shall be liable on conviction to be brought back to the school and to have the period of his detention therein increased by such period not exceeding six months as the magistrate directs, or, if of the age of sixteen years or upwards, to be imprisoned in the Royal Gaol, with or without hard labour, for any term not exceeding three months ; and if sentenced to imprisonment he shall, at the expiration of the term thereof, be brought back to the school.

(2) If a child detained in a certified Orphanage escapes therefrom he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be then brought before a magistrate ; and he shall be liable, on conviction, to be brought back to the Orphanage from which he escaped, or, if of the age of twelve years or upwards, to be sent to a certified Industrial School and to be there detained subject and according to the provisions of this Ordinance.

(3) In computing the time during which a youthful offender or child who, having escaped, is brought back to a certified school is thereafter liable to be detained at that school, the time during which he was absent from the school, including the time, (if any), during which he was imprisoned under this section, shall not be reckoned as part of the period of detention.

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

(5) If any person—

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

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

he shall, on conviction before a magistrate, be liable to a fine not exceeding thirty pounds, or to imprisonment, with or without hard labour for any term not exceeding threemonths.

33. If any youthful offender or child apprenticed under this Ordinance or under any Ordinance repealed by this Ordinance, wilfully neglects or refuses to conform to the terms and conditions of his apprenticeship, or quits his master's service without the leave of such master, he shall be guilty of an offence, and on conviction thereof before a magistrate be liable to be sent back to the school from which he came, there to be detained during a period equal to so much of his term of apprenticeship as remains unexpired at the time of committing the offence ; or the magistrate may order him to be sent to an Industrial School, there to be detained for an equal period ; and every apprentice absent without leave from his master's service may be arrested without a warrant by a constable. Offences by apprentice.

34. Where a master is made liable by law or by contract to provide his apprentice with good and sufficient food, lodging and clothing, and with medical care and attendance when ill, and to procure the regular attendance of the apprentice at the place of worship of the religious denomination in which he has been brought up and to send the apprentice to the office of the Inspector and to allow the Inspector to visit the apprentice at his residence, and such master wilfully and without lawful excuse refuses or neglects to provide such good and sufficient food, lodging, clothing and medical care and attendance, whereby the health of the apprentice is or is likely to be seriously or permanently injured, or wilfully and without lawful excuse refuses or neglects to procure the attendance of the apprentice at a place of worship or to send the apprentice to the Inspector or allow the Inspector to visit the apprentice or to comply with any condition in respect of the apprentice for which such master is by law or by contract made liable, such Offences by Masters.

master shall be guilty of an offence, and on conviction before a magistrate shall be liable either to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any term not exceeding six months.

Contributions by Parents.

Contributions
by parents.

35.—(1) The parent or other person legally liable to maintain a youthful offender or child ordered to be sent to or detained in a certified school, shall, if able to do so, contribute to his maintenance therein a sum not exceeding four shillings per week.

For the purposes of this section the term "parent" includes the putative father of an illegitimate child.

(2) A magistrate may upon the hearing of a complaint, as hereinafter provided, against any person in respect of the maintenance of an illegitimate child, if it be alleged in such complaint that he is the father of such child, adjudge him to be the father thereof; but shall not so adjudge him upon the evidence of the mother unless her evidence be corroborated in some material particular. Provided always that the amount directed to be paid by a putative father shall not exceed, together with the amount, if any, payable under a maintenance order under the Bastardy Ordinance (No. 3), the sum of four shillings per week, and that the Court making an order under this section may direct that any amount payable under a maintenance order under the Bastardy Ordinance (No. 3), shall for the future be paid to the Inspector and to the extent thereof be applied towards the payment of the amount ordered to be paid under this Ordinance.

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

(b) any magistrate may, on complaint being made by or at the instance of the Inspector at any time whilst the offender or child is detained in the school;

make an order on such parent or other person for the payment to the Inspector of such weekly sum, not exceeding such sum as aforesaid as, having regard to the ability of

the parent or other person, seems reasonable during the whole or any part of the time for which the offender or child is liable to be detained in the school :

Provided that if the court making the detention order is the Supreme Court, such court may, if it thinks fit, remit the case to the court by which the youthful offender or child was committed for trial, for the purpose of making an order under this section, and upon the case being so remitted such court shall have power to make any such order under the section as the Supreme Court might have made.

(4) Every such order may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

(5) Any order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the Inspector and on fourteen days notice of such application being given to the Inspector or person on whom the order was made, be varied by any magistrate.

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

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

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

(8) All sums received under this section shall be paid into the Treasury.

(9) The Governor may in his discretion remit wholly or partially any payment ordered to be made under this section.

(10) It shall be the duty of a constable if so required by the Inspector, to take proceedings under this section on behalf of the Inspector.

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

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

(13) All sums of money ordered to be paid under this section may be recovered summarily by distress and sale of the goods and chattels of the person upon whom such order is made, and in case no sufficient distress is found, such person may be imprisoned with or without hard labour for any term not exceeding two months.

Places of Detention.

36. It shall be lawful for the Governor to declare by notice in the *Royal Gazette* that any place to be named in the notice shall be a place of detention within the meaning of this Ordinance.

37. Where a person apparently under the age of sixteen years having been apprehended is not released on bail, the officer in charge of the Constabulary Station to which he is

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

brought shall cause him to be detained in a place of detention until he can be brought before a magistrate, unless the officer certifies—

- (a) that it is impracticable to do so ; or
- (b) that he is of so unruly a character that he cannot be safely so detained ; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him ;

and the certificate shall be produced to the magistrate before whom the person is brought.

38.—(1) A magistrate, on remanding or committing for trial a person under the age of sixteen years who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law :

Remand or committal to custody in place of detention.

Provided that in the case of any such person it shall not be obligatory so to commit him if the magistrate certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained, or that owing to the distance or difficulty of communication it is not practicable to send him to a place of detention.

(2) A commitment under this section may be varied or, in the case of a person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any magistrate, and if it is revoked such person may be committed to prison.

39.—(1) The order or judgment in pursuance of which any person is committed to custody in a place of detention shall be delivered with him to the person in charge of the place of detention and shall be a sufficient authority for his detention in that place in accordance with the tenor thereof.

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

(2) Any person whilst so detained and whilst being conveyed to and from the place of detention shall be deemed to be in legal custody, and if he escapes may be apprehended without warrant and brought back to the place of detention in which he was detained.

(3) Rules may be made, as hereinafter provided, as to the classification, distribution, treatment, employment and control of persons detained in custody in a place of detention under this Ordinance, and for the persons whilst so detained being visited from time to time by persons appointed in accordance with those rules.

General.

Power to send offenders conditionally pardoned to Industrial School.

40. Where a youthful offender has been sentenced to imprisonment and has been pardoned by His Majesty on condition of his placing himself under the care of some charitable institution for the reception and reformation of youthful offenders, the Governor may direct him, if under the age of sixteen years, to be sent to a certified Industrial School, the managers of which consent to receive him, for a period of not less than three and not more than five years, but not in any case extending beyond the time when he will in the opinion of the Governor attain the age of eighteen years ; and thereupon the offender shall be subject to all the provisions of this Ordinance as if he had been originally sentenced to detention in a certified Industrial School.

Powers of school officers.

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

Orders and notices.

42.—(1) An order or other act of the Governor under this Ordinance may be signified under the hand of the Governor or of the Colonial Secretary.

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

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

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

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

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

(3) A certificate purporting to be signed by one of the managers of a certified school, or by their secretary or clerk, or by the superintendent or other person in charge of the school, to the effect that the youthful offender or child therein named was duly received into, and is at the date of the signing thereof detained in the school, or has been otherwise dealt with according to law, shall be evidence of the matters therein stated.

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

(5) A copy of the rules purporting to be the rules of a certified school, and to be signed by the Inspector, shall be evidence of the rules of that school.

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

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

Rules.

44.—(1) The Governor in Executive Council may for the purposes of this Ordinance make rules with respect to the following matters, that is to say :—

- (a) As to the management and discipline of any certified school or place of detention and to prescribe the punishment for all offences against the rules or discipline of any certified school or place of detention ;
- (b) To determine the sums or allowances to be from time to time paid or made out of moneys voted by the Legislative Council for the upkeep and the expenses incidental thereto of any certified school or place of detention ;
- (c) As to the allowances to be from time to time made out of moneys voted by the Legislative Council for the maintenance and support of children and youthful offenders detained in any certified school or place of detention, including the expenses of removal in the case of any child or offender ordered to be transferred from one school to another and the expenses attendant upon dealing with children or offenders under the provisions of this Ordinance ;
- (d) As to all such other matters and things as may appear necessary or expedient for effectually carrying into operation the provisions of this Ordinance or as to which specific authority is given in this Ordinance to make rules.

Provided always that no offender who shall be punished in pursuance of such rules shall be liable to be punished under section 31 of this Ordinance.

(2) All such rules shall be laid before the Legislative Council for approval, and when so approved shall have the same force and effect as if they were contained in this Ordinance.

(3) All rules made under this Ordinance shall be published in the *Royal Gazette*.

45. The forms in the Schedule hereto, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances may require. Forms.

46.—(1) The form and manner of procedure laid down in the Summary Conviction Offences (Procedure) Ordinance, 1918, shall apply to proceedings before a magistrate under this Ordinance. Procedure.

(2) Any complainant or defendant aggrieved by the order of a magistrate under this Ordinance may appeal from such order in the manner provided in the Summary Conviction Offences (Procedure) Ordinance, 1918.

47. The Reformatory and Industrial Schools Ordinance, 1914, the Reformatory Schools Ordinance, 1920, and the Reformatory and Industrial Schools Ordinance, 1921, are hereby repealed. Repeal. 42-1914
23-1921

Provided that nothing in this Ordinance contained shall affect the validity or effect of any warrant of commitment or order of any Court made under the provisions of any of the Ordinances which are hereby repealed.

SCHEDULE.

FORM A.

ORDER SENDING CHILD TO A SCHOOL.

Be it remembered that on the _____ day of _____ in pursuance of the Industrial Schools and Orphanages Ordinance, 1922, I ordered that A.B. of _____ (1) or _____ Orphanage under the age of _____ years, to wit _____ years, whose religious persuasion appears to me to be _____, to be sent to the _____ (2) Add if (1) Industrial School at _____ and that he be detained there during _____ order of contribution made and (2) having duly examined into the ability of C.D. and in consideration of all the circumstances of the case, I ordered the said C.D. to pay to the Inspector of Industrial Schools and Orphanages the sum of _____ shillings per week at same time from the date of this order until the _____ day of _____ as detention order under the same to be paid at the expiration of each (fourteen or as the case may be) days. section 35.

Given under my hand the day and year first above-mentioned at

J. H.,

Magistrate of.....

FORM B.

COMPLAINT FOR ENFORCING CONTRIBUTIONS FROM PARENTS.

The complaint of the Inspector of Industrial Schools and Orphanages (or as the case may be) made to me, the undersigned, this _____ day of _____, who says, that one A.B. of (*) the age of _____ years, or thereabouts, is now detained in the (1) *or* Industrial School at _____ in the _____ of _____ *Orphanage.* the Industrial Schools and Orphanages Ordinance, 1922, and has been duly ordered and directed to be detained therein until the _____ day of _____ and that one C.D., dwelling at _____ is the parent (or step-parent, etc.) of the said A.B. and is of sufficient ability to contribute to the support and maintenance of the said A.B. (*) The said complainant therefore prays that the said C.D. may be summoned to show cause why an order should not be made on him so to contribute.

Before me

J.H.,
Magistrate of.....*Inspector of Industrial Schools
and Orphanages (or as the case may be.)*

FORM C.

SUMMONS TO PARENT, &C.

To C.B. of

Labourer.

Whereas complaint has this day been made before the undersigned, for that you (here state shortly the matter of the complaint): These are therefore to command you, in His Majesty's name, to be and appear on _____ at _____ o'clock in the _____ noon at _____ before the Magistrate of _____ to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this _____ day of _____ in the year of Our Lord one thousand nine hundred _____ at _____

J.H.,
Magistrate of.....

FORM D.

ORDER ON PARENT, &C., TO CONTRIBUTE A WEEKLY SUM.

Be it remembered that on this _____ day of _____ at _____ in the said _____ of _____ a certain complaint of the Inspector of Industrial Schools and Orphanages (or as the case may be), for that one A.B., of, etc., (stating the cause of complaint as in the form (B) between the asterisks (*) (*) was duly heard by and before me, the undersigned (in the presence and hearing of C.D., *if so, or, the said C.D. not appearing to the summons duly issued and served in this behalf*); and I, having duly examined into the ability of the said C.D., and on consideration of all the circumstances of the case, did order the said C.D., to pay to the said Inspector the sum of _____ shillings per week from the date of this order until the _____ day of _____ the same to be paid at the expiration of each (fourteen, or as the case may be), days.

Given under my hand the day and year first above-mentioned at

J.H.,
Magistrate of.....

FORM E.

DISTRESS WARRANT FOR AMOUNT IN ARREAR.

To _____ and to all other Peace Officers of the said _____ of _____

Whereas on the hearing of a complaint made by the Inspector of Industrial Schools and Orphanages (or as the case may be), that A.B. of, etc., (stating the cause of complaint as in the form (B) between the asterisks (*) (*)), an order was made on the _____ day of _____ by me, the undersigned against the said C.D., to pay to the said Inspector the sum of _____ per week from the date of the said order until the _____ day of _____ the same to be paid at the expiration of such (fourteen) days (or as the case may be) (*); And whereas there is due upon the said order the sum of _____ being for (three) periods of (fourteen) days each, and default has been made for the space of fourteen days ;

These are therefore to command you in His Majesty's name forthwith to make distress of the goods and chattels of the said C.D. and if within the space of (five) days next after the making of such distress the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, that then you do sell the said goods and chattels so by you distrained and to pay the money arising from such sale to _____ the Clerk of the Peace for the _____ of _____ that he may pay and apply the same as by law directed, and may render the overplus (if any), on demand to the said C.D., and if no such distress can be found, then that you certify the same to me, to the end that such proceedings may be had therein as the law requires.

Given under my hand this _____ day of _____ at _____

J.H.,
Magistrate of.....

FORM F.

COMMITMENT IN DEFAULT OF DISTRESS.

To _____ and to the Keeper of the Royal Gaol.

Whereas (etc., and as in the Form (E) to the single asterisk (*), and then thus) ; And Whereas afterwards on the _____ day of _____ last, I, the undersigned issued a warrant to _____ aforesaid commanding him to levy the sum of _____ due upon the said recited orders being for (three) periods of (fourteen) days by distress and sale of the goods and chattels of the said C.D. And Whereas a return has this day been made to me, that no sufficient goods of the said C.D. can be found :

These are therefore to command you the said _____ to take the said C.D. and him safely to convey to the Royal Gaol aforesaid, and there deliver him to the Keeper thereof, together with this precept: And I do hereby command you the said Keeper of the Royal Gaol to receive the said C.D. into your custody in the said Royal Gaol there to imprison him for the term of _____, unless the said sum, and all costs and charges of the said distress, and of the commitment and conveying of the said C.D. to the said Royal Gaol, amounting to the further sum of _____ shall be sooner paid unto you the said Keeper ; and for your so doing this shall be your sufficient warrant.

Given under my hand this _____ day of _____ in the year of Our Lord _____ at _____

J.H.,
Magistrate of.....

Passed in Council this first day of December, in the year of Our Lord one thousand nine hundred and twenty-two.

JOHN DE NOBRIGA,
Acting Clerk of the Council.
