

TRINIDAD AND TOBAGO.

No. 5.—1919.

I ASSENT,

[L.S.]

W. M. GORDON,
Acting Governor.

24th April, 1919.

AN ORDINANCE relating to the prevention of cruelty to children and young persons and the practice of juvenile smoking.

[24th April, 1919.]

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 Protection Short Title. of children Ordinance, 1919.

2. For the purposes of this Ordinance, unless the context Interpre- otherwise requires:—
tation.

“Child” means a person under the age of fourteen years;

“Young person” means a person who is fourteen years of age or upwards and under the age of sixteen years

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

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

“Place of Safety” means any Constabulary station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive an infant, child, or young person;

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Public Place” includes any public park, garden, wharf, jetty or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Constable” includes any member of the Constabulary Force.

Cruelty to children and young persons.

Cruelty to
children and
young persons.

3.—(1.) If any person over the age of sixteen years who has the custody, charge or care of any child or young person, wilfully assaults, ill-treats, neglects, abandons or exposes such child or young person, or causes or procures

such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement) that person shall be guilty of a misdemeanor, and shall be liable:—

- (a.) On conviction on indictment, to a fine not exceeding £100, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment with or without hard labour for any term not exceeding two years; and
- (b.) On summary conviction, to a fine not exceeding £25, or alternatively, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months;

and for the purposes of this section a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, he fails to provide adequate food, clothing, medical aid or lodging for the child or young person.

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

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

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

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

(a.) in the case of a conviction on indictment, the Court may in its discretion either increase the amount of the fine under this section so that the fine does not exceed £200; or, in lieu of awarding any other penalty under this section, sentence the person to imprisonment with or without hard labour for any term not exceeding five years; and

(b.) in the case of a summary conviction, the Court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

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

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

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

Suffocation
of infants.

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

Other offences in relation to Children and Young Persons.

5.—(1.) If any person causes or procures any child or young person, or, having the custody, charge or care of a child or young person, allows that child or young person, to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether or not there is any pretence of singing, playing, dancing, performing, offering anything for sale, or otherwise, that person shall, on summary conviction, be liable to a fine not exceeding £25, or alternatively, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

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

6. If any person over the age of sixteen years who has the custody, charge or care of any child under the age of seven years allows that child to be in any room containing a coalpot, stove or other fire not sufficiently protected to guard against the risk of the child being burnt or scalded, without taking reasonable precautions against that risk, and by reason thereof the child is killed, or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding £10.

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

7.—(1.) If any person having the custody, charge or care of a child or young person between the ages of four and sixteen allows that child or young person to reside in or

Exposing
children to
risk of burning.

Allowing
children or
young persons
to be in
brothels.

to frequent a brothel, he shall be guilty of a misdemeanor and shall be liable on conviction on indictment or summarily to a fine not exceeding £25, or alternatively or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) Nothing in this section shall affect the liability of a person to be indicted under Section 38 of the Offences against the Person Ordinance, (No. 14) but upon the trial of a person under that section it shall be lawful for the jury if they are satisfied that the accused is guilty of an offence under this section, to find the accused guilty of such offence.

Causing,
encouraging or
favouring
seduction or
prostitution of
young girl.

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

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

Binding over
persons
having
custody of
young girl.

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

(2.) The provisions of Sections 112 and 113 of Ordinance No. 9 of 1918 shall apply to recognizances under this section.

*Arrest of offenders and provision for safety of children.*Power of
arrest.

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

- (a) who within view of the constable commits an offence under this Ordinance, or any of the offences mentioned in the Schedule to this Ordinance, where the name and residence of such person are unknown to the constable and cannot be ascertained by the constable; or
- (b.) who has committed, or who the constable has reason to believe has committed, an offence of cruelty or any of the offences mentioned in the Schedule to this Ordinance, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

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

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

Detention of
child or young
person in place
of safety.

(2.) A child or young person so taken to a place of safety, and also any child or young person who seeks refuge in a place of safety, may there be detained until he can be brought before a Court of summary jurisdiction, and that Court may make such order as is mentioned in the next following sub-section, or may cause the child or young person to be dealt with as circumstances may admit and

require, until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction or discharge of such person.

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

Disposal of
child or young
person by
order of Court.

12.—(1.) Where a person having the custody, charge or care of a child or young person has been—

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

by any court, that court, either at the time when the person is so convicted, committed for trial, or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, may, if satisfied on enquiry that it is expedient so to deal with the child or young person, order that the child or young person be taken out of the custody, charge, or care of the person so convicted, committed for trial or bound

over, and be committed to the care of a relative of the child or young person, or some other fit person, named by the Court (such relative or other person being willing to undertake such care), until he attains the age of sixteen years, or for any shorter period, and that Court or any Court of like jurisdiction may of its own motion, or on the application of any person, from time to time by order renew, vary, and revoke any such order.

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

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

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

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

(6.) The Governor in any case where it appears to him to be for the benefit of a child or young person who has been committed to the care of any person in pursuance of this section, may empower such person to procure the

emigration of the child or young person, but, except with such authority, no person to whose care a child or young person is so committed shall procure his emigration.

(7.) Nothing in this section shall be construed as preventing the Court, instead of making an order as respects a child under this section, from ordering the child to be sent to an industrial school in any case in which the Court is authorised to do so under the Reformatory and Industrial Schools Ordinance, 1914.

Maintenance
and control of
child or young
person com-
mitted by
court.

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

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

he shall on summary conviction be liable to a fine not exceeding £20 or to be imprisoned, with or without hard labour, for any term not exceeding two months.

(2.) Any court having power so to commit a child or young person shall have power to make the like orders on the parent of or other person liable to maintain the child or young person to contribute to his maintenance during such period as aforesaid, and such orders shall be enforceable in like manner as if the child or young person were ordered to be sent to a certified school under the Reformatory and Industrial Schools Ordinance, 1914.

(3.) Any such order may be made on the complaint or application of the person to whose care the child or young person is for the time being committed, and either at the

time when the order for the committal of the child or young person to his care is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person as the Court may name, and be applied for the maintenance of the child or young person.

(4.) Where an order under this Ordinance to commit a child or young person to the care of some relative or other person is made in respect of a person who has been committed for trial for an offence, the Court shall not have power to make an order under this section on the parent or other person liable to maintain the child or young person prior to the trial of the person so committed.

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

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

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

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

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

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

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

15.—(1.) If it appears to a Magistrate on information on oath laid by any person who, in the opinion of the Magistrate, 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 Magistrate, in a manner likely to cause the child or young person unnecessary suffering, or to be injurious to his health ; or
- (b.) that an offence under this Ordinance, or any offence mentioned in the Schedule hereto, has been or is being committed in respect of the child or young person,

the Magistrate may issue a warrant authorising any constable to search for such child or young person and, if it is found that he has been or is being assaulted, ill-treated or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child or young person, to take him to and detain him in a place of safety, until he can be brought

before a court of summary jurisdiction, or authorising any constable to remove the child or young person with or without search to a place of safety and detain him there until he can be brought before a court of summary jurisdiction; and the court before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose care he was had been committed for trial for an offence under this Ordinance.

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

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

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

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

16. As respects proceedings against any person for an offence under this Ordinance, or for any of the offences mentioned in the Schedule hereto, the Criminal Evidence Ordinance, 1905, shall apply.

Evidence of
accused
person.

17.—(1.) Where a Magistrate is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person, in respect of whom an offence under this Ordinance, or any of the offences mentioned in the Schedule hereto, is alleged to have been committed, would involve serious danger

Special power
to take deposition.

to the life or health of the child or young person, the Magistrate may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking the deposition, and of the day when and place where the deposition was taken, and of the names of the persons (if any) present at the taking thereof.

(2.) The Magistrate taking any such deposition shall transmit it with his statement:—

(a.) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(b.) in any other case, to the Clerk of the Peace of the county in which the deposition has been taken;

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

Admission of
deposition in
evidence.

18. Where on the trial of any person on indictment for an offence of cruelty, or any of the offences mentioned in the Schedule to this Ordinance, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to the life or health of the child or young person, any deposition of the child or young person taken under the Indictable Offences (Preliminary Enquiry) Ordinance, 1917, or this Ordinance, shall be admissible in evidence either for or against the accused person without further proof thereof—

(a.) if it purports to be signed by the Magistrate by or before whom it purports to be taken; and

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

19. Where, in any proceeding against any person for an offence under this Ordinance, or for any of the offences mentioned in the Schedule hereto, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of that child may be received though not given upon oath, if, in the opinion of the court, the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and the evidence of the child, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of the Indictable Offences (Preliminary Enquiry) Ordinance, 1917, or of this Ordinance, shall be deemed to be a deposition within the meaning of that Ordinance and this Ordinance respectively:

Evidence of
child of tender
years.

Provided that—

- (a.) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated by some other material evidence in support thereof implicating the accused; and
- (b.) Any child, whose evidence is received as aforesaid and who wilfully gives false evidence under such circumstances that, if the evidence had been given on oath, he would have been guilty of perjury, shall, subject to the provisions of this Ordinance, be liable on summary conviction to be adjudged such punishment as might have been awarded had he been charged with perjury and the case dealt with summarily under section 93 of the Summary Conviction Offences (Procedure) Ordinance, 1918.

20. Where in any proceedings with relation to an offence under this Ordinance, or any of the offences mentioned in the Schedule hereto, 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 in absence
of child.

Mode of charging offence and limitation.

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

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

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

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

Right of parent, etc., to administer punishment.

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

Interpretation.

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

(2.) For the purposes of this Ordinance—

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

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

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

Juvenile Smoking.

24. If any person sells to a person apparently under the age of sixteen years any cigarettes or cigarette papers, whether for his own use or not, he shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding £2, and in the case of a second offence to a fine not exceeding £5, and in the case of a third or subsequent offence to a fine not exceeding £10.

Sale of
Tobacco to
Children.

25. It shall be the duty of a constable to seize any cigarettes or cigarette papers in the possession of any person apparently under the age of sixteen whom he finds smoking in any street or public place, and any cigarettes or cigarette papers so seized shall be disposed of in such manner as the Inspector-General may direct, and such constable shall be authorised to search any boy so found smoking, but not a girl.

Forfeiture of
Tobacco.

26.—(1.) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of cigarettes kept on any premises is being extensively used by children or young persons, the court may order the owner of the machine or

Automatic
machines for
sale of tobacco.

the person on whose premises the machine is kept to take such precautions to prevent the machine being so used as may be specified in the order, or, if necessary, to remove the machine, within such time as may be specified in the order.

(2.) If any person against whom any such order has been made fails to comply with the order, he shall be liable on summary conviction to a fine not exceeding £5, and to a further fine not exceeding £1 for each day during which the offence continues.

Exemptions.

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

Application of Ordinance.

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

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

(3.) This Ordinance shall apply to smoking mixtures intended as a substitute for tobacco in like manner as it applies to cigarettes.

Procedure.

29. All orders of a court of summary jurisdiction under this Ordinance shall be made, and all proceedings in relation to any such orders shall be taken in manner provided by the Ordinance No. 9 of 1918.

Passed in Council this Fourth day of April in the year of our Lord one thousand nine hundred and nineteen.

J. M. FARFAN,
Acting Clerk of the Council.

SCHEDULE.

Sections 5, 22, 36, 37, 38, 39, 40, 41, 42, 46, 47, 50 and 51 of the Offences (Section 10) against the Person Ordinance, No. 14.

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