

or in any sub-paragraph of such a paragraph, is not required to make any contributions or pay any sum in respect of a child or a ward of the State if it considers that it is reasonably practicable to secure the payment of those contributions or that sum by a person referred to in a preceding paragraph of that subsection or a preceding sub-paragraph of such a paragraph.

(10) Nothing in this section requires the payment, in respect of any period, under contribution orders or any such undertakings as are referred to in subsection (7) of this section, of any sums, which, in the aggregate, exceed the amount determined in accordance with regulations under this Act, of the cost of the maintenance of the child to which the orders or undertakings relate during that period.

(11) On an application by the Director under this section in respect of a child whose paternity is not in question an averment that the person in respect of whom the application is made is such a person as is referred to in subsection (2) of section fifty-one is sufficient evidence of the fact so averred.

(12) On an application by the Director under this section an averment that—

(a) any person is able to make any payments or contributions towards the maintenance of a child; or

(b) any sum has been expended upon, or is due, or owing, for or in respect of the maintenance of a child,

shall be sufficient evidence of the facts so averred.

Supplementary provisions as to contribution orders.

*Ibid.*, ss. 90, 94, & 112.

**53**—(1) Sections sixty-three, sixty-four, sixty-four AA, sixty-four A, and sixty-five of the *Maintenance Act* 1921 have effect with respect to contribution orders as they have effect with respect to maintenance orders made under that Act, except that any jurisdiction, authority, or power conferred on a court by those sections shall not be exercised by a children's court but may, in relation to a contribution order, be exercised by any other court within the meaning of that Act, notwithstanding that that court was not the court that made that order.

(2) Notwithstanding anything in any other Act the imprisonment of a person for a refusal or failure to pay any sum which he is required to pay under a contribution order or his conviction for an offence under this section in respect of that order does not relieve him from any liability or obligation to pay any sum under the order.

(3) The receipt in writing of the Director or any person authorized by him, or of a police officer authorized by the Commissioner of Police, is sufficient discharge for the payment of any sum due under a contribution order.

(4) No person shall—

(a) refuse or fail to comply with a contribution order made against him; or

- (b) leave, or attempt to leave, or make preparations for leaving, the State without making arrangements, to the satisfaction of the Director, for the payment of any sums which are or may become due from him under a contribution order.

Penalty: Six months' imprisonment.

(5) Where a person is found guilty of an offence under subsection (4) of this section, the court may, in lieu of imposing a penalty, order him to find security to the satisfaction of the court that he will comply with the order, and if he fails to find that security may order him to be imprisoned for not more than six months or until the security is sooner found.

## PART VI.

### CHILDREN'S BOARDING HOMES AND DAY NURSERIES.

**54**—(1) For the purposes of this Part, and subject to the provisions thereof, the Director may grant or renew—

- (a) children's boarding home licences; and  
(b) day nursery licences.

Licences for children's boarding homes and day nurseries.  
*Ibid.*, s. 100.

(2) A licence shall be in the prescribed form and shall specify the person by whom it is held and the premises to which it relates.

(3) A licence expires, unless it is renewed or further renewed, on the thirtieth day of June next after the date on which it was granted or last renewed.

**55**—(1) An application for the grant or renewal of a licence shall be made in writing to the Director and shall contain such particulars as may be prescribed.

Grant, renewal and surrender of licences.  
*Ibid.*, ss. 100, 101, & 110.

(2) On an application, in accordance with this section for the grant or renewal of a licence, the Director shall grant or renew the licence, unless he considers—

- (a) that the applicant is not a fit and proper person to hold the licence;
- (b) that, for reasons connected with the situation, construction, state of repair, accommodation, staffing, or equipment thereof, the premises to which the application relates are unsuitable for use for the care of any infants who may be accommodated on the premises if the licence is granted or renewed; or
- (c) that the way in which it is proposed to conduct the premises is such as would not provide the services or facilities reasonably required for the care of any infants who may be accommodated on the premises if the licence is granted or renewed.

(3) On the surrender to the Director of his licence by a licensee the licence ceases to have effect.

(4) No person shall, by any wilful misrepresentation, procure for himself or any other person or attempt to procure for himself or any other person the grant or renewal of a licence.

Penalty: Twenty-five pounds.

Requirements  
as to  
management,  
&c., of homes  
and nurseries.  
*Ibid.*, s. 103.

**56**—(1) The Director may by order—

- (a) require that no greater number of children shall be accommodated in a home or nursery than may be specified in the order; or
- (b) require that no greater number of children, of such sexes or of such ages as may be specified in the order, shall be accommodated in a home or nursery than may be specified in the order.

(2) The Director may by order impose requirements for securing—

- (a) that a person with such qualifications as may be specified in the order or approved by the Director shall be in charge of a home or nursery and of the persons employed thereat;
- (b) that a home or nursery is adequately staffed, both as respects the number and as respects the qualifications or experience of the persons employed thereat, and adequately equipped;
- (c) that the home or nursery and the equipment thereof is properly maintained; and
- (d) that the home or nursery is conducted in such a manner as to provide proper care and maintenance, in safe conditions, for the infants who may be accommodated therein.

(3) An order under this section may be varied or revoked by a subsequent order of the Director.

(4) An order under this section is of no effect until it is served on the licensee of the home or nursery to which it relates.

Records at  
homes and  
nurseries.  
*Ibid.*, ss. 102  
& 110 iv.

**57**—(1) The Director may by order require a licensee to keep or cause to be kept, in such manner as may be specified in the order or as may be approved by the Director, a record showing, in respect of each infant received into the home or nursery, such of the following particulars as may be specified in the order:—

- (a) His name, sex, and age;
- (b) The name, the address of the place of abode, and the occupation of his parents, of the person from whom he was so received into the home or nursery and, if that person was a married woman, of her husband;
- (c) The date on which he was so received and the date on which he was removed from the home or nursery; and

(d) Particulars of any reward or other consideration received or promised in respect of his accommodation or care in the home or nursery.

(2) An order under this section may be varied or revoked by a subsequent order of the Director.

(3) An order under this section is of no effect until it is served on the licensee to whom it is directed.

(4) Nothing in this section requires a record to be kept after the expiration of two years from the date of the last making of any entry therein.

(5) A licensee who fails to keep, or cause to be kept, at the home or nursery a record that complies with the requirements of an order made under this section is guilty of an offence.

Penalty: Twenty-five pounds or three months' imprisonment.

(6) Any person who makes or causes or allows to be made, in a record kept for the purposes of this section, an entry which he knows to be false or does not believe to be true is guilty of an offence.

Penalty: Twenty-five pounds or three months' imprisonment.

(7) When an infant is removed from a home, or where any person who, when he was received into a home, was an infant, is removed from a home the licensee shall require the person by whom he is removed to sign any entry recording the removal of that infant or other person required to be made in any record required to be kept under this section.

Penalty: Twenty-five pounds.

(8) A person who fails to comply with a requirement made by a licensee under subsection (7) of this section is guilty of an offence.

Penalty: Twenty-five pounds.

**58**—(1) A licensee shall, within three days after an infant has been received into a home, notify the Director of the fact.

Notifications  
to Director.  
*Ibid.*, s. 102  
(4) & (5).

Penalty: Twenty-five pounds.

(2) When an infant is removed from a home or where any person who, when he was received into a home was an infant, is removed from that home, the licensee shall, within three days after the removal of that infant or other person, notify the Director of the fact.

Penalty: Twenty-five pounds.

**59**—(1) If an infant dies in a home or nursery the licensee shall as soon as is practicable, and, in any case, not later than twenty-four hours after the death, notify the Director of the fact.

Deaths in  
homes and  
nurseries.  
*Ibid.*, s. 105.

Penalty: Twenty-five pounds.

(2) The Director shall, as soon as practicable, inform a coroner of any notification made to him under subsection (1) of this section.

(3) For the purposes of this section an infant shall be deemed to be in a home or nursery at any time at which, having been received into the home or nursery, he is in the care or charge of the licensee or of any person acting under the directions of, or in accordance with an authority granted by, the licensee.

Inspection of  
homes and  
nurseries.  
*Ibid.*, ss. 102  
(6), 106, &  
110.

**60—(1)** As far as is practicable, the Director shall cause each home and nursery to be inspected at least once in each period of three months.

(2) The Director or an authorized officer, accompanied if the Director or that officer thinks fit, by a legally qualified medical practitioner, at any reasonable hour, may enter a home or nursery and may—

- (a) inspect the home or nursery and the equipment thereof;
- (b) inspect the children therein and cause them to be examined by the medical practitioner;
- (c) require the licensee to give any information he may have with respect to the children therein or with respect to the management of the home or nursery; and
- (d) require the production of, and inspect, the record required to be kept in the home or nursery under section fifty-seven and, if he thinks fit, retain it.

(3) A person—

- (a) who obstructs the Director or an authorized officer in the exercise of his powers under this section;
- (b) who refuses to comply with a requirement made by the Director or an authorized officer under this section; or
- (c) on being required under this section by the Director or an authorized officer to give any information, wilfully gives any information that is false or misleading,

is guilty of an offence under this Act.

Penalty: Twenty-five pounds.

Payments for  
children in  
homes.  
*Ibid.*, s. 99  
(2) & (3).

**61—(1)** The Director may receive any sums tendered to him for the care or maintenance of an infant in a home, and may pay those sums or any part thereof at such times as he may think fit to the licensee of that home.

(2) On the death of a person in respect of whose care or maintenance in a home the Director has received any sums under this section, the Director may apply so much of those sums as remain in his hands towards the expenses of the burial or cremation of that person.

**62**—(1) The Director, after giving at least seven days' notice to the licensee of his intention so to do, may revoke a licence—

Revocation  
of licences.  
*Ibid.*, s. 104.

- (a) if the licensee has been convicted of an offence under this Act or of an offence committed with respect to the home or nursery or any child received or accommodated therein;
- (b) if the licensee has contravened or failed to comply with the provisions of this Part in respect of the home or nursery;
- (c) if there has been a contravention of, or failure to comply with, any requirement imposed under section fifty-six with respect to the home or nursery; or
- (d) if it appears to the Director that circumstances exist which would justify him in refusing to renew the licence, if it had been due for renewal.

(2) Where the Director serves notice under this section on a licensee of a home of his intention to revoke the licence he may, at any time thereafter, serve notice on any person who has placed, or caused to be placed, an infant in the home to remove the infant from the home within such time as may be specified in the notice, and to take him to some place where adequate provision may be made for his care and maintenance.

(3) A person who fails to comply with a notice served on him under subsection (2) of this section is guilty of an offence.

Penalty: Twenty-five pounds.

(4) Where the Director serves a notice under this section on a licensee of a home of his intention to revoke the licence he may, at any time thereafter, remove any infant from the home and make such arrangements as he thinks proper for the care and maintenance of the infant until he can be placed in the care of his parent or some person who is willing to take care of him or until he can otherwise be dealt with under this Act.

(5) The Director may recover the expenses reasonably incurred by him under subsection (4) of this section in respect of an infant from any person who would by virtue of section fifty-one be liable to make contributions to the maintenance of that infant if he had become a ward of the State on his removal from the home.



Records of  
Director.  
*Ibid.*, s. 100  
(2).

**63** The Director shall keep, or cause to be kept, in such manner as may be prescribed or, if no manner is prescribed, in such manner as he thinks proper, a record of the licences granted under this Part and of the renewal, surrender and revocation of those licences, and of such other particulars with respect to the homes or nurseries to which they relate as may be prescribed.

Unauthorized  
accommoda-  
tion, &c., of  
infants.  
*Ibid.*, ss. 97  
& 99(1).

**64**—(1) Where the Director is satisfied that an infant has been accommodated, otherwise than in the care or charge of a relative, on any premises, other than a home, for a period of longer than twenty-four hours and that, having regard to the character of the occupier of the premises or the person who appears to have the care or charge of that infant while he is so accommodated or to the condition of the premises or the purposes for which, or the manner in which they are used, it is undesirable that that infant or that any infants unless he or they are in the care or charge of a relative, should be accommodated on those premises for a period of longer than twenty-four hours, or be placed in the care or charge of that occupier or that person, he may serve either or both of the following notices, namely:—

- (a) A notice in writing on the occupier of the premises or on that person prohibiting any infant from being accommodated on those premises for a period of longer than twenty-four hours, unless while being so accommodated the infant is in the care or charge of a relative; or
- (b) A notice in writing on that occupier or that person prohibiting him from having the care or charge of an infant of whom he is not a relative.

(2) The Director may withdraw a notice served under this section.

(3) Where a notice is served under paragraph (a) of subsection (1) of this section in respect of any premises and has not been withdrawn, no person shall accommodate an infant, or cause or allow an infant to be accommodated on those premises, for a period of longer than twenty-four hours, unless while being so accommodated the infant is in the care or charge of a relative.

Penalty: Twenty-five pounds.

(4) Where a notice is served under paragraph (b) of subsection (1) of this section on any person, and has not been withdrawn—

- (a) that person shall not have in his care or charge an infant of whom he is not a relative; and
- (b) no person shall place, or cause or allow to be placed or to remain, in the care or charge of the person on whom the notice was served, an infant of whom the person on whom that notice was served is not a relative.

Penalty: Twenty-five pounds.

(5) No person shall receive an infant into any premises or have an infant in his care or charge on any premises, if any reward is given or promised for so receiving, or having the care or charge of, the infant, unless that person is a relative of the infant or holds a licence in respect of those premises.

Penalty: Twenty-five pounds.

(6) No person shall place an infant, or cause or allow an infant to be placed, or to remain in the care or charge of any other person, otherwise than in the premises in which the infant ordinarily resides, if any reward is given or promised for that care or charge, unless the person in whose care or charge the infant is placed or remains is—

- (a) a relative of the infant; or
- (b) a licensee who has undertaken to take care or charge of the infant in a home or nursery of which he is the licensee.

Penalty: Twenty-five pounds.

(7) No proceedings shall be taken for an offence committed, or alleged to have been committed, under this section except with the consent of the Minister, given on the recommendation of the Director, but in any such proceedings it shall not be necessary to prove that that consent has been given unless evidence to the contrary is given.

(8) Nothing in this section prohibits any person from having, with the approval of the Director, the care or charge of an infant.

(9) The Director shall not give his approval for the purposes of subsection (8) of this section unless he is satisfied that the giving of his approval would not be contrary to the interests of the infant.

(10) This section does not apply to the accommodation, or the care or charge, of an infant—

- (a) in an institution or establishment maintained by the State;
- (b) in an approved children's home;
- (c) in a school registered under Part IV of the *Education Act 1932*;
- (d) in any premises wholly or mainly used for the accommodation of children away from their homes in order to enable them to attend a State school or a school registered under Part IV of the *Education Act 1932*, for the purpose of enabling the infant to attend that school;
- (e) in a hospital under the management of a hospitals board as defined in the *Hospitals Act 1918*, a hospital receiving aid from the State, or premises in respect of which a licence is in force under Part III of that Act;
- (f) in an institution within the meaning of the *Public Welfare Institutions Act 1935*;
- (g) in an establishment managed by an association, organization, or other body, approved by the Minister; or



(h) in premises which are for the time being exempted from this Part by an order of the Director under section sixty-five.

(11) Nothing in this section prohibits the accommodation of an infant, or the taking care or charge of him, in such manner as may be authorized or required by any provision in this Act, the *Mental Deficiency Act 1920*, or the *Mental Hospitals Act 1858*.

Exemptions.  
*Ibid.*, s. 97.

**65** The Director may by order exempt any premises from the provisions of this Part, either indefinitely or for such period as may be specified in the order, and an order made under this section may be revoked or varied by a subsequent order of the Director.

## PART VII.

### PROTECTION, AND REGULATION OF EMPLOYMENT, OF CHILDREN.

Ill-treatment,  
&c., of  
children.  
*Ibid.*, s. 107.

**66** No person, who has attained the age of sixteen years and has the custody, care, or control of a child who has not attained that age shall wilfully ill-treat, neglect, abandon, or expose that child, or cause that child to be ill-treated, neglected, abandoned, or exposed.

Penalty: Fifty pounds or six months' imprisonment or both.

Desertion of  
children.  
*Ibid.*, s. 112.

**67**—(1) No person, being a relative liable to maintain a child, shall desert the child or leave him without, or fail to provide him with, adequate means of support.

Penalty: Six months' imprisonment.

(2) If upon complaint on oath by the Director, a child welfare officer, or an authorized officer, a justice is satisfied that there are reasonable grounds for believing that a person is about to commit an offence under this section, he may issue a warrant for the apprehension of that person, and on being apprehended under that warrant he shall, subject to this section, be dealt with as if the complaint was a complaint for an offence under this section.

(3) On the conviction of a person for an offence under this section the court, in lieu of imposing any penalty or in addition to imposing any pecuniary penalty, may make such an order as is specified in subsection (5) of this section against that person.

(4) On the hearing of a complaint under subsection (2) of this section the court, if it is satisfied that the person against whom the complaint was made was about to commit an offence under this section, may make such an order as is specified in subsection (5) of this section against that person.

(5) The order referred to in subsection (3) and subsection (4) of this section is an order requiring the person against whom it is made to find good and sufficient security to the satisfaction of the court that he will not desert the child or leave him without, or fail to provide him with, adequate means of support.

(6) If a person fails to comply with an order made under subsection (3) or subsection (4) of this section, the court may commit that person to prison for six months or until the order is sooner complied with.

(7) For the purposes of this section a person shall be deemed to be a relative liable to maintain a child if he is a person who would be liable, under section fifty-one, to make contributions towards the maintenance of the child if he had become a ward of the State immediately before the date on which the offence under subsection (1) of this section is shown to have been committed or upon the date on which the complaint was made under subsection (2) of this section, as the case may be.

**68**—(1) No person, for any gain or reward given or to be given or promised to himself or to any other person, shall cause or procure a child, or, being a parent or guardian of a child, allow the child to take part in a public exhibition or performance or in any preparation, training, or rehearsal for a public exhibition or performance, whereby the life or limbs of that child is or are endangered. Public performances involving danger.

Penalty: Fifty pounds or six months' imprisonment.

(2) Where a person (other than the parent of the child) has been convicted of an offence under subsection (1) of this section in respect of any child, the court may order that person to pay to the child or to some person on his behalf, named by the court, such sum, not exceeding one hundred pounds, as the court may determine in compensation for any injury or harm caused to the child as a result of his taking part in the exhibition, performance, preparation, training, or rehearsal in respect of which the offence was committed.

(3) The ordering under this section of the payment of a sum to or on behalf of a child does not affect any other legal remedy of the child, but shall be taken into account in any proceedings by or on behalf of the child in respect of the injury or harm done to him as compensation for which that sum was ordered to be paid.

**69**—(1) The Minister may, on the recommendation of the Director, by order declare any public entertainment or any class of public entertainment to be restricted public entertainment for the purposes of this section. Public entertainment by children. Ibid., s. 109.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section a class of public entertainment may for the purposes of that subsection be determined by reference to the nature of the entertainment and to the purposes for which, the person by whom, the place in which, and the days or times at or during which, it is carried on; or to some or any of those matters.

(3) The Minister may vary or revoke an order made under this section.

(4) Except as may otherwise be authorized by a permit under section seventy, no person shall cause or procure a child who has not attained the age of fourteen years, or being the parent or guardian of such a child, allow the child to take part in a public entertainment that is declared under this section to be restricted public entertainment.

Penalty: Fifty pounds or six months' imprisonment.