

# **Children and Young Persons Act**

*1<sup>st</sup> August 1949*

*Chapter 45 of the Laws of the Gambia*

An Act to make provision for the welfare of the young and the treatment of young offender and for the establishment of Juvenile Courts

## **PART I. - PRELIMINARY**

### **1. Short Title and application**

(1) This Act may be cited as the Children and Young Persons Act, and shall apply to the City of Banjul and Kombo Saint Mary.

(2) The Minister may, by Order published in the *Gazette*, direct that this Act or any part or provision thereof shall apply to the Provinces or to any area therein.

### **2. Interpretation**

In this Act unless the context otherwise requires -

"authorised officer" means a person appointed by the President for the purposes of this Act, and includes a probation officer;

"child" means a person under the age of fourteen years;

"corrective order" means a corrective order made under the provisions of paragraph (a) of subsection (2) of section 18 of this Act;

"guardian" in relation to a child or young person includes any person who, in the opinion of the court having cognizance of any case in relation to a child or young person or any case in which a child or young person 15 concerned, has for the time being the charge of or control over the child or young person;

"Juvenile Court" means a court constituted under the provisions of section 6 of this Act for the hearing and determination of cases relating to children or young persons;

"local authority" means the Minister for the time being responsible for the administration of this Act;

"place of detention" means any police station, hospital, surgery or any other suitable place the occupier of which is willing temporarily to receive a child or young person, but does not include a prison;

"probation officer" means a person appointed under this Act to be a probation officer and where the context so admits includes a deputy probation officer or an assistant probation officer; and

"young person" means a person who attained the age of fourteen years and is under the age of seventeen years.

## **PART II. – JUVENILE OFFENDERS**

### **3. Bail of children and young persons arrested.**

Where a person apparently under the age of seventeen years is apprehended with or without warrant, and cannot be brought forthwith before a court, the police officer in immediate charge for the time being of the police station to which such person is brought, shall inquire into the case, and shall unless -

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

(b) if is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or

(c) the officer has reason to believe that the release of such person could defeat the ends of justice,

release such person on a recognisance being entered into by his parent or guardian, with or without sureties, for such amount as ill, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge.

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

Where a person apparently under the age of seventeen years having been apprehended is not released under the provisions of the last preceding section, the police officer to whom such person is brought shall cause him to be detained in a place of detention until he can be brought before a court unless the officer certifies that -

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

and the certificate shall be produced to the court before which the person is brought

#### **5. Association with adults whilst in custody**

It shall be the duty of the Inspector General of Police to make arrangements for preventing, so far as practicable, a child or young person while in custody, from associating with an adult charged with an offence.

#### **6. Constitution of Juvenile Court.**

(1) A Juvenile Court for the purpose of the hearing and determination of criminal cases and for preliminary inquiries relating to children or young persons shall be constituted by a Magistrate (which expression includes any two Justices of the Peace) sitting with two persons selected by him from a panel of persons appointed for the purpose by the Chief of Justice:

Provided that:

- (a) a Magistrate of the First Class may in his discretion sit alone; and
- (b) when two Justices of the Peace are sitting it shall be unnecessary for any other person to sit with them if both are on such panel.

(2) A court when hearing charges against children or young persons shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held.

(3) Where in the course of any proceedings in a Juvenile Court it appears to the Court that the person charged or to whom the proceedings relate is of age of seventeen years or upwards, or where in the course of any proceedings in any court other than a Juvenile Court it appears that the person charged or to whom the proceedings relate is under the age of seventeen years, nothing in this section shall be construed as preventing the court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case.

(4) Provision shall be made for preventing persons apparently under the age of seventeen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of seventeen years jointly charged or convicted.

(5) In a Juvenile Court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of such Court, be allowed to attend:

Provided that *bona fide* representatives of a newspaper or news agency shall not be excluded, except by special order of the court.

(6) No person shall publish the name, address, school, photograph, or anything likely to lead to the identification of the child or young person before a Juvenile Court, save with permission of such Court or in so far as required by the provisions of this Act. Any person who acts in contravention of the provisions of this subsection shall be liable to a fine of five hundred dalasis.

#### **7. Remand or committal to custody**

(1) A court on remanding or committing for trial a child or young person who is 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 remanded or until he is thence delivered in due course of law:

Provided that in case of a young person it shall not be obligatory on the court so to commit him if the court 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 his not a fit person to be so detained.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be 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, may be revoked by the court which made the order, or, if application cannot conveniently be made by court, by a court having jurisdiction in the place which the court which made the order sat, and if it is revoked the young person may be committed to prison.

### **8. Procedure in Juvenile Court**

(1) Where a child or young person is brought before a Juvenile Court for any offence it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(2) Where a child is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court, and it shall not be necessary to ask the parent whether he consents that the child shall be dealt with in the Juvenile Court.

(3) After explaining the substance of the alleged offence the court shall ask the child or young person whether he admits the offence.

(4) If the child or young person does not admit the offence the court shall then hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness, the court shall ask the child or young person, or if the court sees fit, the child's parent or guardian, whether he wishes to put any questions to the witness.

(5) If the child or young person instead of asking questions wishes to make a statement he shall be allowed to do so. It shall be the duty of the court to put to the witnesses such questions as appear to be necessary. The court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

(6) If it appears to the court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to give evidence or to make any statement.

(7) If the child or the young person admits the offence or the court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the court shall obtain such information as to his general conduct, home surroundings, school record, and medical history as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the court may from time to time remand the child or young person on bail or to place of detention.

(8) If the child or young person admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary for the purposes of inquiry or observation, the court may cause an entry to be made in the court records that the charge is proved and that the child or young person has been remanded. The court before which a child or young person so remanded is brought may, without further proof of the commission of the offence, make any order in respect of the child or young person which could have been made by the court which so remanded the child or young person.

(9) The Chief Justice may make rules for regulating the procedure in juvenile courts, the fees to be charged and the forms to be used therein and such of the provisions of any written law relating to the practice and procedure in magistrates' courts not inconsistent with the provisions of this Act shall have effect subject to any rules so made.

(10) The provisions of this section shall not apply to preliminary inquiries in cases of homicide which shall follow the procedure for preliminary inquiries laid down in the Criminal Procedure Code.

#### **9. Attendance at court of parent or guardian**

Where a child or young person is charged with any offence, his parent or guardian may in any case, and shall if required by the court, attend at the court before which the case is heard or determined during all the stages of the proceedings and the court may make such orders as are necessary for the purpose of enforcing attendance, in the manner provided by sections 118, 120 and 122 of the Criminal Procedure Code.

#### **10. Power to order a parent to pay fine, etc.**

(1) Where a child or a young person is charged before any court with any offence for the commission of which a fine, damages, compensation, or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages, compensation or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not concurred to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court thinks that a charge against a child or young person is proved, the court may make an order against the parent or guardian under this section for the payment of damages, compensation or costs or requiring him to give security for good behaviour without proceeding to find the child or young person guilty of offence.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so but, save as aforesaid, not such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(6) A parent or guardian may appeal against an order under this section to the Supreme Court.

#### **11. Restrictions on punishment**

(1) No child shall be ordered to be imprisoned.

(2) No young person shall be ordered to be imprisoned if he can be suitably dealt with in any other way whether by probation, fine, corporal punishment or committal to a place of detention, or otherwise.

(3) A young person ordered to be imprisoned shall not be allowed to associate with adult prisoners.

#### **12. Detention in the case of certain crimes committed by children or young persons**

Notwithstanding anything in this Act to the contrary, where a child or young person is found guilty of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, the court may order the offender to be detained for such period as may be specified in the order, and where such an order is made the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be

detained in such place and on such conditions as the Minister may direct and whilst so detained shall be deemed to be in legal custody.

### **13. Methods of dealing with children and young persons charged with offences**

Where a child or a young person charged with any offence is tried by a court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which under provisions of this or any other Act, the case should be dealt with, namely, whether

- (a) by dismissing the charge
- (b) by discharging the offender on his entering into a recognisance;
- (c) by so discharging the offender and placing him under the supervision of a probation officer;
- (d) by committing the offender by means of a corrective order to the care of a relative or other fit person;
- (e) by ordering the offender to be whipped;
- (f) by ordering the offender to pay a fine, damages, compensation or costs;
- (g) by ordering the parent or guardian of the offender to pay a fine, damages, compensation or costs;
- (h) by ordering the parent or guardian of the offender to give security for his good behaviour;
- (i) by committing the offender to custody in place of detention;
- (j) where the offender is a young person, by ordering him to be imprisoned; or
- (k) by dealing with the case on any other manner in which it may legally be dealt with.

### **14. "Conviction" and "sentence" not to be used in relation to children and young persons**

The word "conviction" and "sentence" shall cease to be used in relation to children and young persons dealt with in a juvenile court and any reference in any Act to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such finding, as the case may be.

### **15. Other law to apply to trials except as provided**

Except as otherwise specifically provided in this Act the law relating to criminal offences and trials of criminal offences shall apply in relation to children and young persons.

### **16. Summary punishment in certain cases**

(1) Notwithstanding the provisions of this or any other law in force it shall be lawful for any police officer of or above the rank of Inspector who is thirty years of age or more, who is satisfied of his own knowledge or as a result of what he considers to be reliable information, that any child of the age of seven years or more or any young person has committed any offence against any law, which could, if it had been committed by an adult, be tried by the procedure specified for petty cases, or any misbehaviour in any public place, and considers that such offence or misbehaviour can in all circumstances best be dealt with in a summary fashion, to order such child or young person to be caned forthwith further formality in lieu of any other proceedings.

(2) Not more than ten strokes may be ordered or given under the provisions of this section.

(3) No female over the apparent age of thirteen years shall be caned under the provisions of this section.

(4) A caning under the provisions of this section shall be administered personally by the person ordering such caning, or under his personal supervision, with a cane of pattern approved by the Director of Health Services:

Provided that any caning of a female shall only be carried out by a female.

(5) No caning shall be ordered under the provisions of this section unless such caning can be administered within twenty-four hours of the commission of the offence or misbehaviour for which it is to be awarded.

(6) The Inspector-General of Police may issue directions to the police officers for the better carrying out of the provisions of this section.

(7) No action shall lie against any person in respect of any action taken by him *bona fide* under the provisions of this section.

### **PART III. – PROBATION OFFICERS**

#### **17. Appointment of Probation Officers**

(1) The Public Service Commission may appoint fit and proper persons of either sex either by name or as holding any public office for the time being to be Probation Officers for such areas as may be specified in the appointment, and may from time to time appoint Deputy Probation Officers to act in the absence or during the illness or incapacity of Probation Officers, and may appoint assistant probation officers to perform under the direction of Probation Officers all or any of the duties of a Probation Officer in any portion of an area.

(2) A Probation Officer when acting under a Probation Order shall be subject to the control of the courts for the area for which he is appointed.

(3) Where a child or a young person is charged with any offence other than homicide and the court is satisfied that the charge is proved, the court may make an order discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding three years, as may be specified in the order. A recognizance entered into under this section shall, if the court so orders, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Act referred to as a Probation Order.

(4) The person named in any Probation order shall be –

(a) a Probation Officer appointed by the President for the area in which the court exercises jurisdiction;

(b) if the court considers it expedient on account of the place of residence of the offender, or for any other special reason, a Probation Officer appointed by the President for some other area;

(c) if the court considers that the special circumstances of the case render it desirable, or if no person has been appointed as a Probation Officer, a person who has not been appointed a Probation Officer for any area.

(5) The person named in a Probation Order may at any time be relieved of his duties, and, in any such case, or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear to be further dealt with.

(6) It shall be the duty of a Probation Officer, subject to the directions of the court, with regard to the person under supervision –

(a) to visit or receive reports from him at such reasonable intervals as may be specified in the Probation Order or, subject thereto, as the Probation Officer may think fit;

(b) to see that he observes the conditions of his recognizance;

(c) to report to the court as to his behaviour; and

(d) to advise, assist, and befriend him, and when necessary, to endeavour to find him suitable employment.

(7) The court before which any person is bound by his recognizance under this Act to appear to be further dealt with may, upon the application of the Probation Officer, and after notice to the offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance.

(8) (a) If the court before which an offender is bound by his recognizance to appear to be further dealt with, or any court is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties, if any requiring him or them to attend at such court and at such time as may be specified in the summons.

(b) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear to be further dealt with, be brought before any other Magistrate's Court.

(c) The court before which an offender on apprehension is brought or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear to be further dealt with, remand him in custody or on bail until he can be brought before the last-mentioned court.

(d) A court before which a person is bound by his recognizance to appear to be further dealt with, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without any proof of his guilt, deal with him as for the original offence.

(9) Where an order under this section is made by a court the order shall, for the purpose of re-vesting or restoring stolen property and of enabling the court to make orders as to the restitution or delivery of the property to the owner and as to payment of money upon or in connection with such restitution or delivery, have the like effect as a conviction.

#### **PART IV. – JUVENILES IN NEED OF CARE OR PROTECTION**

##### **18. Power to bring children and young persons before a Juvenile Court in certain cases**

(1) Any member of a local authority, any police officer or any authorised officer, having reasonable ground for believing that a child or young person comes within any of the descriptions hereinafter mentioned -

(a) who is an orphan or is deserted by his relatives;

(b) who has been neglected or habitually ill-treated by the person having the care and custody of such child or young person;

(c) who has a parent or guardian who does not exercise proper guardianship;

(d) who is found destitute, and has both parents or his surviving parent, undergoing imprisonment;

(e) who 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 young person;

(f) who is found wandering and has no home or settled place of abode or visible means of subsistence;

(g) who frequents the company of any reputed thief or common or reputed prostitute;

(h) who 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 of prostitution of the child or young person;

(i) who is otherwise exposed to moral danger;

may bring that child or young person before a Juvenile Court.

(2) The court, if satisfied that the child or young person comes within any of the paragraphs in subsection (1) of this section may –

(a) make corrective order committing him to the care of any fit person whether a relative or not, who is willing to undertake the care of him;

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

(c) without making any other order, or in addition to making an order under paragraph (a) or paragraph (b) of this section, make an order placing him for a specified period, not exceeding three years, under the supervision of a Probation Officer, or of any authorised officer:

Provided that a child or young person shall not be deemed to come within the scope of paragraph (i) of subsection (1) of this section if the only common or reputed prostitute whose company such child or young person frequents is the mother of such child or young person and it is proved that she exercises proper guardianship and due care to protect the child or young person from contamination.

(3) For the purpose of paragraph (i) of subsection (1) of this section, but without prejudice to the generality of the provisions thereof, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, shall be evidence that he is exposed to moral danger.

#### **19. Where parent or guardian unable to exercise control**

Where the parent or guardian of a child or young person proves to a Juvenile Court that he is unable to control the child or young person, the court, if satisfied –

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

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

may make a Corrective Order in respect of such child or young person or may order him to be placed for a specified period, not exceeding three years, under the supervision of a Probation Officer or of any authorised officer.

### **PART V. – CORRECTIVE ORDERS**

#### **20. Corrective Orders. Schedule**

(1) A Corrective Order under this Act shall be in the Form set out in the Schedule to this Act or as near thereto as the circumstances may require.

(2) A Corrective Order shall be prepared in triplicate by the court issuing the same, but the name of the person to whom the child is to be sent under the Corrective Order shall not be filled in by the court. The court shall send to the Secretary to the Ministry responsible for local government affairs (hereinafter referred to as the “Secretary”), the tribe or community to which the child or young person belongs, the religion of the person in whose custody the child or young person has been, the circumstances in which the Corrective Order has been issued, and the reason for the court considering such issue to be necessary or proper.

(3) The Secretary may disallow such Corrective Order in which case the child or young person in respect of whom the Corrective Order was issued shall be brought before the court again to be otherwise dealt with under the provisions of section 13 of this Act as to the court may seem proper; or the Secretary may confirm the Corrective Order with or without any alteration as to the period for which the Corrective Order shall be in force.

(4) When the Secretary confirms a Corrective Order he shall cause the name of some person who has agreed to accept the child or young person under such Corrective Order, to be set out in each copy thereof.

(5) One copy of the Corrective Order, completed as aforesaid, shall be filed by the Secretary, another by the court which issued the Corrective Order and the third shall be sent with the child or young person named therein to the person to whom the child or young person is to be sent under such Corrective Order.

#### **21. Limitation of age in certain cases**

No Corrective Order shall be made in respect of a person who has attained the age of sixteen years and no such Order shall remain in force after the person affected by it shall have attained the age of eighteen years.

#### **22. Power to vary Corrective Order in certain cases**

The Secretary may –

(a) if he satisfied that a person in respect of whom a Corrective Order is about to expire would benefit by further care, extend the period of the Corrective Order subject to the provisions of this Act; and

(b) order any child or young person to be removed from one person to another

**PART VI – CONTRIBUTION BY PARENT OR GUARDIAN TOWARDS MAINTENANCE OF JUVENILES**

**23. The Court may order contribution**

(1) Whenever a child or young person has under section 13, paragraph (d) of subsection (8) of section 16, section 18 or section 19 of this Act been committed to the care of an individual and the court is satisfied that the need for such order has arisen from neglect on the part of any of the persons named in subsection (2) of this section, the court may order any such person or persons to make contributions in respect of the child or young person.

(2) The persons liable to make contributions as aforesaid are the father or stepfather of the child or young person or his mother or stepmother, or any person who is co-habiting with the mother of the child or young person whether or not he is the putative father, or the person in whose care and custody the child or young person has been during the two years immediately prior to the order of committal:

Provided that in making such an order the court shall have regards to the means of the person ordered to contribute:

Provided further that no person shall be ordered to contribute a sum exceeding fifty dalasis a month.

(3) If any person neglects to comply with any such order the court may for every breach of the order direct the amount due to be levied in the manner be law provided for levying fines imposed by a court in a criminal proceeding and in addition the court may sentence such person to imprisonment for a term of three months.

(4) A court having jurisdiction over the place in which the person or persons liable to contribute may be, may, at any time, on the application of such person or persons or on the application of a Commissioner or authorised officer and of proof of a change of circumstances of the person or persons so required to contribute, increase, reduce or rescind any order in such manner as to the court may seem just.

**PART VII. - MISCELLANEOUS**

**24. Presumption or determination of age**

Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall require the production of a birth certificate or other certificate or evidence, a certificate signed by a medical officer in the service of the Government giving his opinion as to such age and the age presumed or declared by the court to be the age of the person so brought before I shall, for the purposes of this <Act, be deemed to be true age of that person and, where it appears to the court that the person so brought before it is of the age of seventeen years or upwards, that person shall for the purposes of this Act be deemed not to be a child or young person.

**PART VIII. – POSSESSION AND CUSTODY OF CHILDREN**

**25. Prohibition against dealing in children**

(1) No person shall give or acquire the custody, possession, control or guardianship of a child whether or not for pecuniary or other benefit in such circumstances that it may reasonably be inferred that such child has been sold or bartered or that, by reason of such giving or acquiring, such child may reasonably be inferred to be placed in moral danger.

(2) In any prosecution under subsection (1) of this section, where it is proved that the custody, possession, control or guardianship of a child has been given to or acquired by a person other than a person being a member of the family of such child it shall be presumed by the court that such child has been given or acquired in contravention of the provisions of subsection (1) of this section:

Provided that it shall be a defence to prove that such child was so given or acquired in accordance with customary law so far as such customary law is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

(3) The President, notwithstanding any customary law to the contrary may by Order published in the *Gazette*, declare that in any area in The Gambia described in such Order, no person shall give or acquire the custody, possession, control or guardianship of any child or of any female of any age below the age of seventeen years or shall remove any such child or female from such area save in accordance with rules made by the Minister and such rules may be either general or made in respect of any particular area in The Gambia.

(4) No proceedings shall be taken in respect of an offence against the provisions of subsection (1) of this section without the written permission of a Commissioner or, in the case of the City of Banjul and Kombo Saint Mary, the Attorney-General, and any other document purporting to be the permission of such Commissioner or the Attorney-General shall be received as *prima facie* evidence in an proceeding without proof being given that the signature to such permission is that of the Commissioner or the Attorney-General signing the same.

(5) Any person contravening the provisions of this section or of any rules made thereunder shall be liable on conviction to imprisonment for a term of seven years.

(6) IN this section the expression “moral danger” includes slavery, child bondage and exposure to destination, prostitution or immortality of any kind.

## **PART IX. – POWER TO MAKE REGULATIONS**

### **26. Regulations**

(1) The Minister may make regulations generally for the carrying into effect of this Act and particularly for -

- (a) providing for the inspection of persons committed to the custody of individuals;
- (b) prescribing the disposal of contributions made under section 22 of this Act;
- (c) prohibiting the employment of children or young persons in any particular trade, occupation, business or calling;
- (d) prescribing safeguards in respect of the employment of children or young persons whether by limitation of age or hours of work or otherwise; or
- (e) generally to secure the health and welfare of children and young persons.

(2) Regulations made under the provisions of subsection (1) of this section may be made to apply either generally or in respect of such area as may be specified in such regulations.

## **SCHEDULE**

### **FORM OF CORRECTIVE ORDER**

#### **THE CHILDREN AND YOUNG PERSONS ACT**

In the ..... court.

Let the \*boy/girl known by the name of ..... whose description appears below be taken to \*\* ..... and be there detained in the custody and care of (*name of the person*) ..... subject to the provisions of the Children and Young person Act.

This corrective order shall remain in force from the date thereof up to an inclusive of the ..... day of .....19.....

*Description*

Name .....

Sex

.....

Age

.....

Tribe

.....  
Name and address of father

.....  
Name and address of mother

.....  
Description of child

.....  
Reason for issue of corrective order

.....  
Dated this ..... day of .....

19.....

*Chief Justice*

.....  
*Magistrate* .....

District.

CONFIRMED this ..... day of .....

19.....

*(Signed)*

.....  
*Secretary to the Ministry of\*\*\**

.....  
*\* Delete as required*

*\*\* To be left blank by the Judge or Magistrate and to be filled in by the Commissioner*

*\*\*\* State title of ministry.*

## **SUBSIDIARY LEGISLATION**

### **Children and Young Persons (Provinces) Order**

*made under section 1*

**1.** This order may be cited as the Children and Young Persons (Provinces) Order.

**2.** Sections 11 and 12 of the Act shall apply to the Provinces

**Mis on-line le 12.02.02**