



**BILLE NA LEANAI (LEASU), 1957.
CHILDREN (AMENDMENT) BILL, 1957.**

*Mar a ritheadh ag Dáil Éireann.
As passed by Dáil Éireann.*

ARRANGEMENT OF SECTIONS.

Section.

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SCHEDULE

ENACTMENTS REPEALED.



BILLE NA LEANAI (LEASU), 1957.
CHILDREN (AMENDMENT) BILL, 1957.

BILL

entitled

AN ACT TO AMEND AND EXTEND THE CHILDREN ACTS, 5
1908 TO 1949.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—(1) In this Act “the Principal Act” means the Children Act, 1908, as amended by subsequent enactments.

(2) This Act shall be construed as one with the Principal Act. 10

Notices to be
given by persons
receiving
children
for reward.

2.—(1) Where a person undertakes, for reward or promise of reward, the nursing and maintenance of one or more children under the age of sixteen years apart from their parents or having no parents, he shall, at least seven days before the reception of any such child, give notice in writing thereof to the health authority. 15

(2) Where a person or body makes arrangements for the nursing and maintenance for reward of any such child by another person, that person or body shall, at least seven days before the reception of the child, give notice in writing thereof to the health authority. 20
This requirement shall not relieve the person receiving the child from the obligation of complying with *subsection (1)*.

(3) Where a person undertakes, for reward or promise of reward, the nursing and maintenance of a child under the said age already in his care without reward, the entering into the undertaking shall, for the purposes of Part I of the Principal Act, be treated as a reception of the child, but in such case the notice required by *subsection (1)* may be given at any time before or within forty-eight hours after such reception. 25

(4) The notice shall state the name, sex, and date and place of birth of the child, the name of the person receiving the child, and the dwelling within which the child is about to be or is being kept, and the name and address of the person from whom the child is about to be or has been received. 30

(5) (a) If a person who has undertaken the nursing and maintenance of any such child changes his residence, he shall, at least forty-eight hours before making such change, give to the health authority notice in writing of such change, and where the residence to which he moves is situate in the district of another health authority, he shall give to that health authority the like notice as respects each child in his care as he is by this section required to give on the first reception of the child. 35 40

(b) Where, however, such change of residence is made suddenly by necessity arising from an unforeseen emergency, the notices required by this subsection may be given at any time within forty-eight hours after such change of residence.

(6) (a) If any such child dies or is removed from the care of the person who has undertaken its nursing and maintenance, that person shall, within twenty-four hours after such death or at least forty-eight hours before such removal (as the case may be), give to the health authority notice in writing of such death or removal, and in the latter case also of the name and address of the person to whose care the child is about to be transferred.

(b) Where, however, such removal is made suddenly by necessity arising from an unforeseen emergency, the notice may be given at any time within twenty-four hours after such removal.

(7) This section shall apply to an individual undertaking the nursing and maintenance of an illegitimate child without reward and to the making of arrangements for such nursing and maintenance as it applies in relation to nursing and maintenance for reward.

(8) If any person required to give a notice under this section fails to give the notice within the time or before the latest time specified for giving the notice, he shall be guilty of an offence under Part I of the Principal Act, and, if the child in respect of whom notice ought to have been given was a child the consideration for whose nursing and maintenance consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under Part I of the Principal Act, be liable to forfeit that sum or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the child in such manner as the court may direct, and where any such sum is ordered to be forfeited the order may be enforced as if it were an order of the court made on complaint.

(9) For the purpose of any enactment by which the time for taking proceedings is limited, the offence created by subsection (8) of failing to give a notice shall be deemed to continue so long as the child in respect of whom such notice ought to have been given remains, without such notice being given, in the care of the person by whom such notice ought to have been given.

(10) Where a child who is illegitimate is kept and maintained in such circumstances that the notices mentioned in this section would be required to be given if such keeping and maintenance were done for reward, the child shall, for the purposes of this section, be deemed, until the contrary is proved, to be so kept and maintained for reward.

(11) References in Part I of the Principal Act to infants shall, in consequence of the foregoing provisions, be construed as references to children under the age of sixteen years.

(12) This section is in lieu of section 1 of the Principal Act, as amended by section 3 of the Act of 1934, which sections are repealed by this Act and references in the Principal Act to the said section 1 shall be construed as references to this section.

3.—(1) In this section "relative" means parent, grandparent, brother, sister, uncle or aunt, whether of the whole blood, of the half-blood or by affinity.

Notice to be given by persons arranging for employment of children.

(2) In deducing any relationship for the purposes of this section a child adopted under the Adoption Act, 1952 (No. 25 of 1952) shall be considered the legitimate offspring of the adopter or adopters.

(3) Where any body or person (not being a relative of the child) having custody of a child under the age of eighteen years makes an arrangement for the employment of the child in circumstances which require the child to reside elsewhere than in the house where he normally resided before the commencement of the employment, 5 that body or person shall, at least seven days before the commencement of the employment, give notice of the arrangement and of the proposed place of residence of the child to the health authority in whose functional area the child is to be employed.

(4) Where the body or person making the arrangement is not 10 within the jurisdiction of the State, the prospective employer of the child shall give similar notice to the appropriate authority.

(5) A health authority shall, in relation to every child under the age of eighteen years in respect of whom notice under this section is required to be given, have the same functions and powers as they 15 have under Part I of the Principal Act.

Amendment of
section 12 of
Principal Act.

4.—Section 12 of the Principal Act, which provides for the punishment of any person over the age of sixteen years for cruelty to any child or young person in his custody, charge or care, is hereby amended by the substitution of references to the age of 20 seventeen years for references to the age of sixteen years.

Discharge
of child
committed to
industrial
school.

5.—(1) Where—

(a) a child has been committed to an industrial school under section 58 of the Principal Act, and

(b) an application is made to the Minister for Education by 25 a parent or guardian for the release of the child, and

(c) the Minister is satisfied that the circumstances which led to the making of the committal order have ceased and are not likely to recur if the child is released, and that the parent or guardian is able to support the child, 30

the Minister shall order the discharge of the child.

(2) The Minister may, if he so thinks proper, refer the application to the court.

(3) If the Minister refuses the application, the parent or guardian may refer it to the court. 35

(4) The court, if satisfied in regard to the matters referred to in *paragraph (c) of subsection (1)*, shall have jurisdiction to order the discharge of the child.

(5) A reference to the court under this section shall be made to the District Court in the District in which the committal order was made or, if the applicant resides in another District, in that District. 40

(6) The order for the discharge of the child, whether made by the Minister or the court, shall operate to revoke the detention order. 45

(7) (a) Where the District Court or, on appeal, the Circuit Court, orders the discharge of a child, the court may award costs and expenses to the successful applicant and the Minister shall defray out of moneys provided by the Oireachtas such sum as the court may certify in respect thereof. 50

(b) The costs and expenses which may be certified by the court shall not exceed the maximum amounts which may be awarded as between party and party in an action for tort in the District Court. 55

6.—(1) At any time during the period of detention of a youthful offender or child in a certified school the managers of the school may grant him leave to be absent from the school in charge of such person and for such period as the managers shall think fit or to attend a course of instruction at another school, either as a boarder or as a day pupil, but during such leave of absence he shall be deemed to be under detention and under the care of the managers who may at any time require him to return to the school.

Leave of absence from certified school.

(2) A youthful offender or child absent without permission from such person or school or refusing or failing to return to the certified school when his leave of absence has expired or when required by the managers to do so shall be deemed to have escaped from the certified school.

7.—(1) There shall be paid out of moneys to be provided by the Oireachtas such sums on such conditions as the Minister for Education may, with the approval of the Minister for Finance, recommend towards the expenses of any youthful offender or child throughout the time when he is subject to an order for detention in a certified school, including any period of absence from the school with the consent of the managers of the school for the purpose of home or casual leave or of attending a course of instruction outside the school premises but, except as aforesaid, not including any period during which he is absent in pursuance of a supervision certificate under section 67 of the Principal Act.

Contributions out of voted moneys.

(2) The expenses payable under this section may include the expenses of removal in the case of any youthful offender or child ordered to be transferred from one school to another.

(3) This section is in lieu of section 73 of the Principal Act, as amended by section 19 of the Act of 1941, which sections are repealed by this Act.

8.—The payments to be made in pursuance of section 21 of the Act of 1941 by a local authority to the managers of a certified school for the maintenance of a youthful offender or child shall be and be deemed always to have been payable throughout the time when he is subject to an order for detention, including any period of absence from the school with the consent of the managers of the school for the purpose of home or casual leave or of attending a course of instruction outside the school premises but, except as aforesaid, not including any period during which he is absent in pursuance of a supervision certificate under section 67 of the Principal Act.

Contributions by local authority in respect of periods of absence from certified school.

9.—(1) The amount which may be fixed by order under subsection (1) of section 75 of the Principal Act as the contribution to be made by the parent or other person liable to maintain a youthful offender or child ordered to be detained in a certified school shall not exceed the sum of the contributions in respect of the child to be made for the time being from the Exchequer and by the local authority, and the subsection shall stand amended accordingly.

Amendment of section 75 of Principal Act.

(2) Every sum received under the said section 75 shall be apportioned equally between the Minister for Education and the local authority responsible under the Principal Act for the maintenance of the youthful offender or child.

(3) Every sum apportioned to the Minister for Education under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

(4) Subsections (2) and (3) are in lieu of subsections (7) and (12) (inserted by section 22 of the Act of 1941) of section 75 of the Principal Act, which are repealed by this Act.

Amendment of
section 118 of
Principal Act.

10.—Section 118 of the Principal Act, which imposes a penalty on vagrants preventing children over the age of five years from receiving education, is hereby amended by the substitution of references to the age of six years for references to the age of five years.

5

Repeals.

11.—The enactments referred to in the Schedule to this Act are, to the extent specified in column (3), hereby repealed.

Short title and
collective
citation.

12.—(1) This Act may be cited as the Children (Amendment) Act, 1957.

(2) The Children Acts, 1908 to 1949, and this Act may be cited together as the Children Acts, 1908 to 1957.

Section 11.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year (1)	Short title (2)	Extent of repeal (3)
8 Edw. VII, c. 67.	Children Act, 1908.	Sections 1 and 73 ; sub- sections (7) and (12) of section 75.
No. 15 of 1934.	Children Act, 1934.	Section 3.
No. 12 of 1941.	Children Act, 1941.	Section 19 ; paragraphs (d), (e) and (f) of section 22.

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As amended by the Committee on Education and Labour, 1957.

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BILLE

dá ngairmtear

Acht do leasú agus do leathnú Acht na Leanai,
1908 go 1949.

An tAire Oideachais a thug isteach.

Rite ag Dáil Éireann, 27 Samhain, 1957.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
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Wt. 17487/G/11. —. 625. 11/57. C.&Co. (4652). G.16.

BILL

entitled

An Act to amend and extend the Children
Acts, 1908 to 1949.

Introduced by the Minister for Education.

Passed by Dáil Éireann, 27th November, 1957.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
G.P.O. Arcade, Dublin.

Printed by CAHILL & Co., LTD.

[*Ninepence Net.*]