



AN BILLE UM CHÚRAM LEANAÍ, 1988
CHILD CARE BILL, 1988

*Mar a leasaíodh i gCoiste**
As amended in Committee

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Adoption Act, 1952	1952, No. 25
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Children Act, 1908	8 Edw. 7, c. 67
Children Act, 1934	1934, No. 15
Children Act, 1941	1941, No. 12
Children (Amendment) Act, 1957	1957, No. 28
Children (Employment Abroad) Act, 1913	3 & 4 Geo. 5, c. 7
Courts Act, 1964	1964, No. 11
Courts Act, 1971	1971, No. 36
Defence Act, 1954	1954, No. 11
Guardianship of Infants Act, 1964	1964, No. 7
Health Act, 1953	1953, No. 26
Health Act, 1970	1970, No. 1
Health Acts, 1947 to 1986	
Health (Amendment) Act, 1987	1987, No. 3
Interpretation Act, 1937	1937, No. 38
Local Government (Superannuation) Act, 1980	1980, No. 8
Misuse of Drugs Acts, 1977 and 1984	
Prevention of Cruelty to Children Act, 1904	4 Edw. 7, c. 15
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict, c. 93
Public Offices Fees Act, 1879	42 & 43 Vict. c. 58
School Attendance Act, 1926	1926, No. 17



AN BILLE UM CHÚRAM LEANAÍ, 1988
CHILD CARE BILL, 1988

BILL

entitled

5 AN ACT TO PROVIDE FOR THE CARE AND PROTECTION
OF CHILDREN AND FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY

10 1.—(1) This Act may be cited as the Child Care Act, 1990.

Short title and
commencement.

(2) This Act shall come into operation on such day or days as, by
order or orders made by the Minister under this section, may be
fixed either generally or with reference to any particular purpose or
provision, and different days may be so fixed for different purposes
15 and different provisions.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

“child” means a person under the age of 18 years other than a person
who is or has been married;

“functions” includes powers and duties;

20 “health board” means a health board established under the Health
Act, 1970;

“the Minister” means the Minister for Health;

25 “parents” includes a surviving parent and, in the case of a child who
has been adopted under the Adoption Acts, 1952 to 1988, or, where
the child has been adopted outside the State, whose adoption is
recognised by virtue of the law for the time being in force in the State,
means the adopter or adopters or the surviving adopter;

“prescribed” means prescribed by regulations made by the Minister.

(2) In this Act—

30 (a) a reference to a Part, section or Schedule is to a Part,

section or Schedule of this Act unless it is indicated that a reference to some other enactment is intended;

(b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended; 5

(c) a reference to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act. 10

PART II

PROMOTION OF WELFARE OF CHILDREN

Functions of health boards.

3.—(1) It shall be a function of every health board to promote the welfare of children in its area who are not receiving adequate care and protection. 15

(2) In the performance of this function, a health board shall—

(a) take such steps as it considers requisite to identify children who are not receiving adequate care and protection;

(b) having regard to the rights and duties of parents, whether under the Constitution or otherwise— 20

(i) regard the welfare of the child as the first and paramount consideration, and

(ii) in so far as is practicable, give due consideration, having regard to his age and understanding, to the wishes of the child; and 25

(c) have regard to the principle that it is generally in the best interests of a child to be brought up in his own family.

(3) A health board shall, in addition to any other function assigned to it under this Act or any other enactment, provide child care and family support services, and may provide and maintain premises and make such other provision as it considers necessary or desirable for such purposes, subject to any general directions given by the Minister under section 57. 30

(4) The provisions of the Health Acts, 1947 to 1986, and the Health (Amendment) Act, 1987, shall apply in relation to the functions of health boards and their officers under this Act and the powers of the Minister under those Acts shall have effect accordingly as if those Acts and this Act were one Act. 35

Voluntary care.

4.—(1) Where it appears to a health board that a child who resides or is found in its area requires care or protection that he is unlikely to receive unless he is taken into its care, it shall be the duty of the health board to take him into its care under this section. 40

(2) Nothing in this section shall authorise a health board to take a child into its care against the wishes of a parent having custody of him or of any person acting *in loco parentis* or to maintain him in its care under this section if that parent or any such person wish or wishes to resume care of him. 45

(3) Where a health board has taken a child into its care under this section, it shall be the duty of the board—

5 (a) subject to the provisions of this section, to maintain the child in its care so long as his welfare appears to the board to require it and while he remains a child, and

(b) to have regard to the wishes of a parent having custody of him or of any person acting *in loco parentis* in the provision of such care.

10 (4) Without prejudice to the provisions of *Parts IV* and *VI*, where a health board takes a child into its care because it appears that he is lost or that a parent having custody of him is missing or that he has been deserted or abandoned, the board shall endeavour to re-unite him with that parent or, if this is not possible, to arrange for him to be looked after by a suitable person, where this appears to the board
15 to be in his best interests.

5.—Where it appears to a health board that a child in its area is homeless, the board shall enquire into the child's circumstances, and if the board is satisfied that— Accommodation for homeless children.

20 (i) there is no accommodation available to him which he can reasonably occupy, and

(ii) he is unable to provide or arrange accommodation for himself,

25 then, unless the child is received into the care of the board under the provisions of this Act, the board shall take such steps as are reasonable to make available accommodation for him.

6.—(1) Each health board shall provide or ensure the provision in its area of a service for the adoption of children in accordance with the Adoption Acts, 1952 to 1988. Provision of adoption service.

30 (2) For the purposes of this section, a health board may enter into arrangements with any adoption society for the time being registered in the Adoption Societies Register maintained by An Bord Uchtála under Part IV of the Adoption Act, 1952.

35 (3) Without prejudice to *section 4*, a health board may take a child into its care with a view to his adoption and may maintain him in such care in accordance with the provisions of this Act until he is placed for adoption.

(4) The provisions of *section 10* shall apply with any necessary modifications in relation to any arrangement made under *subsection (2)*.

40 7.—(1) A health board shall establish a child care advisory committee to advise the health board on the performance of its functions under this Act and the health board shall consider and have regard to any advice so tendered to it. Child care advisory committees.

45 (2) A child care advisory committee shall be composed of persons with a special interest or expertise in matters affecting the welfare of children, including representatives of voluntary bodies providing child care and family support services.

(3) A person shall not receive any remuneration for acting as a member of a child care advisory committee, but a health board may make payments to any such member in respect of travelling and subsistence expenses incurred by him in relation to the business of the committee.

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(4) Payments under this section shall be in accordance with a scale determined by the Minister, with the consent of the Minister for Finance.

(5) The Minister may give general directions in relation to child care advisory committees, including directions on any matter relating to the membership, constitution or business of committees and each health board and child care advisory committee shall comply with any such directions.

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(6) A health board may, with the consent of the Minister, and shall, if so directed by the Minister, establish more than one child care advisory committee for its area and where more than one committee is established the provisions of *subsection (1)* shall apply with the necessary modifications.

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Review of services.

8.—(1) A health board shall, as soon as may be after the commencement of this Part and thereafter annually or as may be directed by the Minister, have a report prepared on the adequacy of the child care and family support services available in its area.

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(2) Without prejudice to the generality of *subsection (1)*, a health board in preparing a report under this section shall have regard to the needs of—

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- (a) children whose parents are dead or missing,
- (b) children whose parents have deserted or abandoned them,
- (c) children who are at risk of being neglected or ill-treated, and
- (d) children whose parents are unable to care for them due to ill-health or for any other reason.

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(3) A health board shall give notice of the preparation of a report under *subsection (1)* to—

- (a) any child care advisory committee in its area;
- (b) such bodies as the board sees fit whose purposes include the provision of child care and family support services;

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and shall have regard to any views or information furnished by such committee or bodies in the preparation of the report.

(4) A health board shall submit a copy of any report prepared under this section to the Minister.

Provision of services by voluntary bodies and other persons.

9.—(1) A health board may, subject to any general directions given by the Minister and on such terms or conditions as it sees fit, make arrangements with voluntary organisations or other persons for the provision by those organisations or other persons on behalf of the health board of child care and family support services which the board is empowered to provide under this Act.

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(2) Nothing in this section shall empower a health board to delegate to a voluntary organisation or any other person the duty conferred on it under *section 4* to receive certain children into care or the power conferred on it under *section 16* to make application for a care order or a supervision order.

10.—A health board may, subject to any general directions given by the Minister and on such terms or conditions as it thinks fit, assist a voluntary body or any other person who provides or proposes to provide a child care or family support service similar or ancillary to a service which the health board may provide under this Act—

Assistance for
voluntary bodies
and other persons.

(a) by a periodic contribution to funds of the body or person;

(b) by a grant;

(c) by a contribution in kind (whether by way of materials or labour or any other service).

11.—(1) The Minister may conduct or assist other persons in conducting research into any matter connected with the care and protection of children or the provision of child care and family support services.

Research.

(2) A health board may conduct or assist other persons in conducting research into any matter connected with the functions assigned to the board under this Act.

PART III

PROTECTION OF CHILDREN IN EMERGENCIES

12.—(1) Where a member of the Garda Síochána has reasonable grounds for believing that—

Power of Garda
Síochána to take a
child to safety.

(a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, and

(b) there is an immediate and serious risk to the health or well-being of the child,

the member may, without warrant, remove the child to safety.

(2) The provisions of *subsection (1)* are without prejudice to any other powers exercisable by a member of the Garda Síochána.

(3) Where a child is removed by a member of the Garda Síochána in accordance with *subsection (1)*, the child shall as soon as possible be delivered up to the custody of the health board for the area in which the child is for the time being.

(4) Where a child is delivered up to the custody of a health board in accordance with *subsection (3)*, the health board shall, unless it returns the child to the custody of his parents or a person acting *in loco parentis*, make application for an emergency care order at the next sitting of the District Court held in the same district court district and it shall be lawful for the health board to retain custody of the child pending the hearing of that application.

13.—(1) If a justice of the District Court is of opinion on the application of a health board that there is reasonable cause to believe that—

(a) there is an immediate and serious risk to the health or well-being of a child which necessitates his being placed in the care of a health board; or 5

(b) there is likely to be such a risk if the child is removed from the place where he is for the time being,

the justice may make an order to be known and in this Act referred to as an “emergency care order”. 10

(2) An emergency care order shall place the child under the care of the health board for the area in which the child is for the time being for a period of eight days or such shorter period as may be specified in the order.

(3) Where a justice makes an emergency care order, he may for the purpose of executing that order issue a warrant authorising a member of the Garda Síochána, accompanied by such other members of the Garda Síochána or such other persons as may be necessary, to enter (if need be by force) any house or other place specified in the warrant (including any building or part of a building, tent, caravan or other temporary or moveable structure, vehicle, vessel, aircraft or hovercraft) where the child is or where there are reasonable grounds for believing that he is and to deliver the child into the custody of the health board. 15 20

(4) The following provisions shall have effect in relation to the making of emergency care orders— 25

(a) any such order shall, subject to *paragraph (b)*, be made by the justice for the district in which the child resides or is for the time being;

(b) where a justice for the district in which the child resides or is for the time being is not immediately available, an order may be made by any justice of the District Court; 30

(c) an application for any such order may, if the justice is satisfied that the urgency of the matter so requires, be made *ex parte*; 35

(d) an application for any such order may, if the justice is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a public sitting of the District Court.

(5) An appeal from an emergency care order shall not stay the operation of the order. 40

(6) It shall not be necessary in any application or order under this section to name the child if such name is unknown.

(7) (a) Where a justice makes an emergency care order, he may, of his own motion or on the application of any person, give such directions (if any) as he thinks proper with respect to— 45

(i) whether the address or location of the place at which the child is being kept is to be revealed to the parents

of the child, or either of them, a person acting *in loco parentis* or any other person;

(ii) the access, if any, which is to be permitted between the child and any named person and the conditions under which the access is to take place;

(iii) the medical or psychiatric examination or treatment of the child.

(b) A direction under this subsection may be given at any time during the currency of the order and may be varied or discharged on the application of any person.

14.—Subject to any direction given by a justice under *section 13* (7) (a) (i), where a child is placed in the care of a health board under an emergency care order, the board shall as soon as possible inform or cause to be informed a parent having custody of him or a person acting *in loco parentis* unless that parent or person is aware of the making of the order.

Notification to be given by health board.

15.—A health board shall provide or make arrangements with the managers of children's residential centres or with other suitable persons for the provision of suitable accommodation for the purposes of this Part.

Provision of accommodation for purposes of *Part III*

PART IV

CARE PROCEEDINGS

16.—Where it appears to a health board with respect to a child who resides or is found in its area that he requires care or protection which he is unlikely to receive unless a court makes a care order or a supervision order in respect of him, it shall be the duty of the health board to make application for a care order or a supervision order, as it thinks fit.

Duty of health board to institute proceedings.

17.—(1) Where a justice of the District Court is satisfied on the application of a health board that—

Interim care order.

(a) an application for a care order in respect of the child has been or is about to be made (whether or not an emergency care order is in force); and

(b) there is reasonable cause to believe that pending the determination of that application the health or well-being of the child so requires,

the justice may make an order to be known and in this Act referred to as an "interim care order".

(2) An interim care order shall require that the child named in the order be placed or maintained in the care of the health board—

(a) for a period not exceeding eight days, or

(b) where the health board and the parent or person acting *in loco parentis* consent, for a period exceeding eight days,

and an extension or extensions of any such period may be granted (with the consent, where an extension is to exceed eight days, of the persons specified in *paragraph (b)*) on the application of any of the parties if the justice is satisfied that this is necessary in the best interests of the child.

(3) An application for an interim care order or for an extension of such an order shall be made on notice to a parent having custody of the child or to a person acting *in loco parentis* except where the justice otherwise directs.

(4) Where an interim care order is made, the justice may order that any directions given under *subsection (7) of section 13* may remain in force subject to such variations, if any, as he may see fit to make or the justice may give directions in relation to any of the matters mentioned in the said subsection and the provisions of that section shall apply with any necessary modifications.

Care order.

18.—(1) Where, on the application of a health board with respect to a child who resides or is found in its area, the court is satisfied that—

- (a) the child has been or is being assaulted, ill-treated, seriously neglected or sexually abused, or
- (b) the child's health, development or well-being has been or is being avoidably impaired or seriously neglected, or
- (c) there are reasonable grounds for believing that the child's health, development or well-being is likely to be avoidably impaired or seriously neglected,

and that the child requires care or protection which he is unlikely to receive unless the court makes an order under this section, the court may make an order (in this Act referred to as a "care order") in respect of the child.

(2) A care order shall commit the child to the care of the health board for so long as he remains a child or for such shorter period as the court may determine and the board shall, for the duration of the order—

- (a) have the like control over the child as if it were his parent; and
- (b) do what is reasonable (subject to the provisions of this Act) in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare; and shall have, in particular, the authority to—
 - (i) decide the type of care to be provided for the child under *section 30*;
 - (ii) give consent to any necessary medical or psychiatric examination or treatment with respect to the child; and
 - (iii) give consent to the issue of a passport to the child, or to the provision of passport facilities for him, to enable him to travel abroad for a limited period.

(3) Any consent given by a health board in accordance with this section shall be sufficient authority for the carrying out of a medical or psychiatric examination, the provision of medical or psychiatric

treatment, the issue of a passport or the provision of passport facilities, as the case may be.

5 (4) Without prejudice to *subsection (2)* a health board may, either for a fixed period or until the health board otherwise determines, allow a child who has been committed to its care under a care order to be under the charge and control of a parent or other suitable person.

10 (5) On an application for a care order, the court, if it so thinks proper, may make a supervision order under *section 19* in respect of the child, either in lieu of a care order or pending its determination of the application.

15 (6) Between the making of an application for a care order and its determination, the court may give such directions as it sees fit as to the care and custody of the child who is the subject of the application pending such determination, and any such direction shall cease to have effect on the determination of the application.

20 (7) Where a court makes a care order, it may in addition make an order requiring the parents of the child or either of them to contribute to the health board such weekly or other periodic sum towards the cost of maintaining the child as the court, having regard to the parents' means, thinks fit.

(8) An order under *subsection (7)* may be varied or discharged on application to the court by the parent required to contribute or by the health board.

25 19.—(1) Where, on the application of a health board, with respect to a child who resides in its area, the court is satisfied that— Supervision order.

- (a) the child has been or is being assaulted, ill-treated, seriously neglected or sexually abused, or
- 30 (b) the child's health, development or well-being has been or is being avoidably impaired or seriously neglected, or
- (c) there are reasonable grounds for believing that the child's health, development or well-being is likely to be avoidably impaired or seriously neglected,

35 and it is desirable that the child be visited periodically by or on behalf of the health board, the court may make an order (in this Act referred to as a "supervision order") in respect of the child.

40 (2) A supervision order shall authorise the health board to have the child visited on such periodic occasions as the board may consider necessary in order to satisfy itself as to the welfare of the child and to give to his parents or to a person acting *in loco parentis* any necessary advice as to the care of the child.

45 (3) Any parent or person acting *in loco parentis* who is dissatisfied with the manner in which a health board is exercising its authority to have a child visited in accordance with this section may apply to the court and the court may give such directions as it sees fit as to the manner in which the child is to be visited and the health board shall comply with any such direction.

(4) Where a court makes a supervision order in respect of a child, it may, on the application of the health board, either at the time of

the making of the order or at any time during the currency of the order, give such directions as it sees fit as to the care of the child, which may require the parents of the child or a person acting *in loco parentis* to cause him to attend for treatment or attention at a hospital, clinic or other place specified by the court. 5

(5) Any person who fails to comply with the terms of a supervision order or any directions given by a court under *subsection (4)* or who prevents a person from visiting a child on behalf of the health board or who obstructs or impedes any such person visiting a child in pursuance of such an order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £250. 10

(6) A supervision order shall remain in force for a period of 12 months or such shorter period as may be specified in the order and, in any event, shall cease to have effect when the person in respect of whom the order is made ceases to be a child. 15

(7) On or before the expiration of a supervision order, a further supervision order may be made on the application of the health board with effect from the expiration of the first mentioned order.

Access to children
in care.

20.—(1) Where a child is in the care of a health board under a care order, the board shall, subject to the provisions of this section, allow reasonable access to the child by his parents, any person acting *in loco parentis*, or any other person who, in the opinion of the board, has a *bona fide* interest in the child. 20

(2) Any person who is dissatisfied with arrangements made by a health board under *subsection (1)* may apply to the court, and the court may— 25

(i) make such order as it thinks proper regarding access to the child by that person, and

(ii) vary or discharge that order on the application of any person.

(3) The court, on the application of a health board, and if it considers that it is necessary to do so in order to safeguard or promote the child's welfare, may— 30

(i) make an order authorising the board to refuse to allow a named person access to a child in its care, and

(ii) vary or discharge that order on the application of any person. 35

Effect of appeal
from orders.

21.—An appeal from an order under this Part shall, if the court that made the order or the court to which the appeal is brought so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the court making the determination. 40

Discharge or
variation of orders
etc.

22.—The court, of its own motion or on the application of any person, may—

(a) vary or discharge a care order or a supervision order,

(b) vary or discharge any condition or direction attaching to the order, or 45

- (c) in the case of a care order, discharge the care order and make a supervision order in respect of the child.

PART V

JURISDICTION AND PROCEDURE

5 23.—In any proceedings before a court under this Act in relation to the care and protection of a child, the court, having regard to the rights and duties of parents, whether under the Constitution or otherwise, shall— Welfare of child to be paramount.

10 (a) regard the welfare of the child as the first and paramount consideration, and

 (b) in so far as is practicable, give due consideration, having regard to his age and understanding, to the wishes of the child.

15 24.—(1) The District Court and the Circuit Court on appeal from the District Court shall have jurisdiction to hear and determine proceedings under *Part III* or *IV*. Jurisdiction.

20 (2) Proceedings under *Part III* or *IV* may be brought, heard and determined before and by a justice of the District Court for the time being assigned to the District Court district where the child resides or is for the time being.

 25.—(1) Proceedings under *Part III* or *IV* shall be heard otherwise than in public. Hearing of proceedings.

25 (2) Proceedings under *Part III* or *IV* shall be as informal, and be heard and determined as expeditiously, as practicable, consistent with the administration of justice.

30 26.—(1) It shall not be necessary in proceedings under *Part III* or *IV* for the child to whom the proceedings relate to be brought before the court or to be present for all or any part of the hearing unless the court, either of its own motion or at the request of any of the parties to the case, is satisfied that this is necessary for the proper disposal of the case. Power to proceed in absence of child.

35 (2) Where the child requests to be present during the hearing or a particular part of the hearing of the proceedings the court shall grant the request unless it appears to the court that, having regard to the age of the child or the nature of the proceedings, it would not be in the child's interests to accede to the request.

40 27.—(1) No matter likely to lead members of the public to identify a child who is or has been the subject of proceedings under *Part III* or *IV* or under *section 37* or *38* shall be published in a written publication available to the public or be broadcast. Prohibition on publication or broadcast of certain matters.

 (2) Without prejudice to *subsection (1)*, the court may, in any case if satisfied that it is appropriate to do so in the interests of the child, by order dispense with the prohibitions of that subsection in relation to him to such extent as may be specified in the order.

(3) If any matter is published or broadcast in contravention of subsection (1), each of the following persons, namely —

- (a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical, 5
- (b) in the case of any other publication, the person who publishes it, and
- (c) in the case of a broadcast, any person who transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper, 10

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or both. 15

(4) Nothing in this section shall affect the law as to contempt of court.

(5) In this section —

“broadcast” means the transmission, relaying or distribution by wireless telegraphy of communications, sounds, signs, visual images or signals, intended for direct reception by the general public whether such communications, sounds, signs, visual images or signals are actually received or not; 20

“written publication” includes a film, a sound track and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings. 25

Presumption and determination of age.

28.—In any application for an order under *Part III* or *IV*, the court shall make due inquiry as to the age of the person to whom the application relates and the age presumed or declared by the court to be the age of that person shall, until the contrary is proved, for the purposes of this Act, be deemed to be the true age of that person. 30

Rules of court.

29.—(1) For the purpose of ensuring the expeditious hearing of applications under *Part III* or *IV* or under section 34 (4), 37 or 38, rules of court may make provision for the service of documents otherwise than under section 7 of the Courts Act, 1964 (as amended by section 22 of the Courts Act, 1971) in circumstances to which the said section 7 relates. 35

(2) This section is without prejudice to section 17 of the Interpretation Act, 1937, which provides for rules of court.

PART VI

40

CHILDREN IN THE CARE OF HEALTH BOARDS

Accommodation and maintenance of children in care.

30.—(1) Where a child is in the care of a health board, the health board shall provide such care for him, subject to its control and supervision, in such of the following ways as it considers to be in his best interests— 45

- (a) by placing him in foster care, or
- (b) by placing him in a children's residential centre, approved under *Part VIII*, or in a school or other place of residence, or
- 5 (c) in the case of a child who may be eligible for adoption under the Adoption Acts, 1952 to 1988, by placing him with a suitable person with a view to his adoption, or
- (d) by making such other suitable arrangements (which may include placing the child with a relative or other suitable person) as the health board thinks proper.
- 10

(2) Nothing in this section shall prevent a health board sending a child in its care to any hospital or to any institution which provides nursing or care for children suffering from physical or mental disability.

- 15 31.—(1) A health board shall make arrangements with the managers of children's residential centres or with other suitable persons to ensure the provision of an adequate number of residential places for children in its care.

Provision of residential care by health boards.

- 20 (2) A health board may, with the approval of the Minister, provide and maintain a residential centre or other premises for the provision of residential care for children in care.

(3) The Minister shall make regulations with respect to the conduct of homes or other premises provided by health boards under this section and for securing the welfare of children maintained therein.

- 25 32.—(1) The Minister shall make regulations in relation to the placing of children in foster care by health boards under *section 30* and for securing generally the welfare of such children.

Regulations as to foster care.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may —

- 30 (a) fix the conditions under which children may be placed in foster care;
- (b) prescribe the form of contract to be entered into by a health board with persons with whom children are placed in foster care;
- 35 (c) provide for the supervision and visiting by a health board of children in foster care;
- (d) require a health board to review the case of each child in its care in foster care in such manner and at such intervals as may be prescribed.

- 40 33.—(1) The Minister shall make regulations in relation to the placing of children in residential care (whether in children's residential centres or in other institutions) by health boards under *section 30* and for securing generally the welfare of such children.

Regulations as to residential care.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may —

- (a) fix the conditions under which children may be placed in residential care;
- (b) prescribe the form of contract to be entered into by a health board with persons providing residential care; 5
- (c) provide for the supervision and visiting by a health board of children in residential care;
- (d) require a health board to review the case of each child in its care who has been placed in residential care in such manner and at such intervals as may be prescribed. 10

Removal from
foster care or
residential care.

34.—(1) Where a health board has placed a child in foster care, the board, at any time while the child remains in its care, may and shall, if so required by the Minister, remove the child from the custody of the person with whom he was so placed. 15

(2) Where a health board has placed a child in a children's residential centre or has made other arrangements in respect of him in accordance with *section 30*, the board—

- (a) may, at any time, remove the child from the centre or from the care of any person with whom he was placed under such an arrangement, and 20
- (b) shall remove the child from the centre or from the care of any person with whom he was placed under such an arrangement if so required to do by the Minister or upon the centre ceasing to be approved under *Part VIII*. 25

(3) Where a health board is empowered or required by or under this section to remove a child from the custody of a person, that person shall deliver up the child to the board on demand and, if that person wilfully refuses or neglects so to deliver up such custody, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £250. 30

(4) Where a person refuses or neglects to comply with a request of a health board to deliver up a child in accordance with *subsection (3)*, the board may apply to the District Court for an order directing that person to deliver up the child to the custody of the board and the justice may, if he considers that it is in the best interests of the child so to do, make such an order. 35

(5) Where a child is removed from the custody of a person in pursuance of this section, any contract between the board and that person in respect of the child shall terminate immediately upon the removal. 40

(6) The provisions of this section are without prejudice to the power of a health board to apply for an emergency care order.

Children who
become adopted.

35.—(1) Where a child becomes adopted under the Adoption Acts, 1952 to 1988, and the child was, immediately before the adoption, placed in foster care by a health board with the adopter or adopters, the health board may, subject to any general directions given by the Minister and subject to such conditions as the health board sees fit, 45

contribute to the maintenance of the child as if he continued to be in foster care.

5 (2) Where a child becomes adopted under the Adoption Acts, 1952 to 1988, any care order in force in respect of the child shall cease to have effect.

10 36.—(1) (a) Where a child leaves the care of a health board, the board may, in accordance with *subsection (2)*, assist him for so long as the board is satisfied as to his need for assistance and, subject to *paragraph (b)*, he has not attained the age of 21 years. Aftercare.

15 (b) Where a health board is assisting a person in accordance with *subsection (2) (b)*, and that person attains the age of 21 years, the board may continue to provide such assistance until the completion of the course of education in which he is engaged.

(2) A health board may assist a person under this section in one or more of the following ways—

- 20 (a) by causing him to be visited or assisted;
- (b) by arranging for the completion of his education and by contributing towards his maintenance while he is completing his education;
- (c) by placing him in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;
- 25 (d) by arranging hostel or other forms of accommodation for him.

30 (3) Any arrangement made by a health board under section 55 (4) or (5) of the Health Act, 1953, in force immediately before the commencement of this section shall continue in force as if made under this section.

(4) In providing assistance under this section, a health board shall comply with any general directions given by the Minister.

35 37.—(1) The provisions of this section shall apply to any child who is in the care of a health board and who is, without lawful authority, removed from the custody of the board or from the custody of any person who is taking care of him on behalf of the board or prevented from returning to such custody at the end of any period of leave. Recovery of children in care.

40 (2) The health board may request the Garda Síochána to search for the child and to deliver him up to the custody of the board and the Garda Síochána may take all reasonable measures to comply with such a request.

45 (3) A justice of the District Court may, if satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce the child named in the application, make an order directing that person to deliver up the child to the custody of the board.

(4) A person having the child in his custody who fails to comply

with an order under *subsection (3)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or both.

(5) A justice of the District Court may, if satisfied by information on oath that there are reasonable grounds for believing that the child named in the application is in any house or other place specified in the warrant (including any building or part of a building, tent, caravan or other temporary or moveable structure, vehicle, vessel, aircraft or hovercraft) specified in the information, issue a warrant authorising a member of the Garda Síochána, accompanied by such other members of the Garda Síochána or such other persons as may be necessary to enter (if need be by force) and to search the house or other place for the child; and if the child is found he shall be returned to the custody of the board.

(6) An application for an order under *subsection (3)* may, if the justice is satisfied that the urgency of the matter so requires, be made *ex parte*.

(7) An application for an order under *subsection (3)* or for a warrant under *subsection (5)* may, if the justice is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a public sitting of the District Court.

(8) Subject to *subsections (6) and (7)*, the provisions of *Part V* shall apply to proceedings under this section with any necessary modifications.

Application for directions.

38.—(1) Where a child is in the care of a health board, the District Court may, of its own motion or on the application of any person, give such directions and make such order on any question affecting the welfare of the child as it thinks proper and may vary or discharge any such direction or order.

(2) The provisions of *Part V* shall apply to proceedings under this section with any necessary modifications.

Transitional provisions.

39.—(1) On the commencement of *Part IV* any child who is in the care of a health board pursuant to an order made under *Part II* or *IV* of the Children Act, 1908 shall be deemed to be the subject of a care order committing him to the care of that health board for as long as he remains a child and the provisions of *Part IV* shall apply with the necessary modifications.

(2) Where, on the commencement of *Part IV*, a child is in the care of a health board pursuant to an order made under section 21 or 24 of the Children Act, 1908 in respect of the commission of an offence against him and the person charged with the commission of the offence is acquitted of the charge or the charge is dismissed for want of prosecution, any care order to which the child is deemed to be subject under *subsection (1)* shall forthwith be void, but without prejudice to anything that may have been lawfully done under it.

(3) Nothing in this Act shall affect an order made under *Part II* or *IV* of the Children Act, 1908 committing a child to the care of a relative or fit person other than a health board.

(4) On the commencement of *Part III*, any child who is being detained in a place of safety under any provision of the Children Act,

1908 shall be deemed to have been received into that place pursuant to an emergency care order on the date of such commencement.

5 (5) Where, on the commencement of *Part II*, a child is in the care of a health board otherwise than by virtue of a court order, he shall be deemed to have been taken into care under *section 4* on the date of such commencement.

10 (6) Where, on the commencement of *Part VI*, a child is boarded-out by a health board, he shall be deemed to have been placed by the health board in foster care under an arrangement made under *section 30*.

15 (7) Where, on the commencement of *Part VI*, a health board is contributing towards the maintenance of a child in accordance with *section 55 (9) (c)* of the Health Act, 1953, the board may, subject to such conditions as it sees fit, continue to contribute to the maintenance of the child as if he were in foster care.

20 (8) Where, on the commencement of *Part VI*, a child is being maintained by a health board in a home or school approved by the Minister for the purposes of *section 55* of the Health Act, 1953, he shall be deemed to have been placed in residential care by the health board under an arrangement made under *section 30*.

(9) Nothing in *section 55* shall affect the operation of an order committing a child to a certified industrial school to which that section applies.

PART VII

25 SUPERVISION OF PRE-SCHOOL SERVICES

40.—In this Part—

Definitions for *Part VII*.

“authorised person” means a person appointed under *section 45* to be an authorised person for the purposes of this Part;

30 “national school” has the meaning assigned to it in the School Attendance Act, 1926;

“pre-school child” means a child who has not attained the age of six years and who is not attending a national school or a school providing an educational programme similar to a national school;

35 “pre-school service” means any pre-school, play group, day nursery, creche, day-care or other similar service which caters for pre-school children, including those grant-aided by health boards;

“relevant health board” means the health board for the area in which a pre-school service is being or is proposed to be carried on.

40 41.—(1) The Minister shall, after consultation with the Minister for Education and the Minister for the Environment, make regulations for the purpose of securing the health, safety and well-being of and promoting the development of children attending pre-school services. Regulations as to pre-school services.

(2) Without prejudice to the generality of *subsection (1)*, regulations may—

	(a) prescribe requirements as to the heating, lighting, ventilation, cleanliness, repair and maintenance of premises in which pre-school services are carried on and as to the equipment and facilities to be provided;	
	(b) provide for the enforcement and execution of the regulations by health boards;	5
	(c) prescribe the annual fees to be paid to health boards by persons carrying on pre-school services towards the cost of inspections under this Part.	
	(3) Regulations under this section may—	10
	(a) make different provision for different classes of pre-school services;	
	(b) prescribe different requirements for different classes of pre-school services;	
	(c) provide for exemptions from any provision or provisions of the regulations for a specified class or classes of pre-school services.	15
	(4) The Public Offices Fees Act, 1879, shall not apply in respect of any fees paid under regulations under this section.	
Giving of notice to health board.	42.—(1) A person carrying on a pre-school service on the commencement of this Part shall give notice to the relevant health board in the prescribed manner.	20
	(2) A person who, after the commencement of this Part, proposes to carry on a pre-school service shall give notice to the relevant health board in the prescribed manner.	25
Duty of person carrying on pre-school service.	43.—It shall be the duty of every person carrying on a pre-school service to take all reasonable measures to safeguard the health, safety and well-being of pre-school children attending the service and to comply with regulations made by the Minister under this Part.	
Supervision of pre-school services.	44.—A health board shall cause to be visited from time to time each pre-school service in its area in order to ensure that the person carrying on the service is fulfilling the duties imposed on him under section 43.	30
Authorised persons.	45.—(1) A health board shall appoint such and so many of its officers as it thinks fit to be authorised persons for the purposes of this Part.	35
	(2) A health board may, with the consent of the Minister for Education, appoint an officer of that Minister to be an authorised person for the purposes of this Part.	
	(3) Every authorised person shall be furnished with a warrant of his appointment as an authorised person, and, when exercising any power conferred on an authorised person under this Part, shall, if requested by any person affected, produce the warrant to that person.	40

46.—(1) Where the relevant health board has received notification in accordance with *section 42* in respect of a pre-school service, an authorised person shall be entitled at all reasonable times to enter any premises (including a private dwelling) in which the service is being carried on.

Inspection by authorised persons.

(2) A justice of the District Court may, if satisfied on information on oath that there are reasonable grounds for believing that a pre-school service is being carried on in any premises (including a private dwelling) in respect of which notice has not been received by the relevant health board in accordance with *section 42*, issue a warrant authorising a person appointed by the health board in accordance with *section 45* to enter and inspect the premises.

(3) An authorised person who enters any premises in accordance with *subsection (1)* or (2) may make such examination into the condition of the premises and the care and attention which the pre-school children are receiving as may be necessary for the purposes of this Part.

47.—(1) A health board may, subject to any general directions given by the Minister, provide pre-school services in its area and provide and maintain premises for that purpose.

Provision by health boards of pre-school services and information.

(2) The Minister may after consultation with the Minister for Education and the Minister for the Environment, make regulations for the purpose of securing the health, safety and well-being and promoting the development of children attending pre-school services provided by health boards.

(3) A health board shall make available to any interested person information on pre-school services in its area, whether provided by the board or otherwise.

48.—(1) A person who—

Offences under Part VII.

(a) refuses to allow an authorised person to enter any premises in accordance with *subsection (1)* or (2) of *section 46* or who obstructs or impedes an authorised person in the exercise of any of his powers under *subsection (3)* of that section; or

(b) contravenes the requirements of this Part or of any regulations made thereunder,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(2) Where a person is convicted of an offence under this Part the court may, either in addition to or in substitution for the imposition of a fine, by order declare that the person shall be prohibited for such period as may be specified in the order from carrying on a pre-school service.

(3) A person who contravenes an order made under *subsection (2)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or both.

PART VIII

CHILDREN'S RESIDENTIAL CENTRES

Approval of
children's
residential centres.

49.—(1) The manager of any centre which provides or proposes to provide residential care for children may apply to the Minister for approval to receive into the centre children in the care of health boards. 5

(2) Upon an application under *subsection (1)*, the Minister may, if he so thinks fit, appoint a suitable person to inspect the centre and to report to him on its fitness for the reception of children in the care of health boards. 10

(3) Any person inspecting a centre on behalf of the Minister under this section may make such examination into the state and management of the centre and the care of any children therein as he thinks fit.

(4) If the Minister is satisfied— 15

(a) on consideration of the report furnished to him in accordance with this section that the centre is fit for the reception of children, and

(b) that it is desirable to approve the centre having regard to the number of children in the care of health boards who require residential care, 20

he may approve the centre for the reception of children in the care of health boards.

(5) A centre which is approved under this section is referred to in this Act as a "children's residential centre". 25

Regulations as to
children's
residential centres.

50.—(1) The Minister shall make regulations as to the conduct of children's residential centres and for securing the safety and well-being of children in such centres.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may prescribe requirements as to— 30

(a) the design, maintenance, repair, ventilation, heating and lighting of centres;

(b) the equipment and facilities to be provided in centres;

(c) the ratio between the number of children and the number of staff and as to the qualifications of staff; 35

(d) the keeping of records and the giving of information to the Minister.

Powers of
inspection.

51.—(1) The following provisions shall have effect in relation to a children's residential centre:

(a) a person authorised by the Minister may at any time visit and inspect the centre and make such examination of the condition and management of the centre and the care of the children therein as he thinks proper; 40

- (b) any health board which has sent a child to such a centre may, at any time while the child resides in the centre, appoint a suitable person to visit the centre and that person may visit the centre and make such examination into the care of the child as he thinks proper;
- (c) the manager of the centre shall permit and provide facilities for every such visitation, inspection and examination.

52.—(1) The Minister may at any time give notice of his intention to withdraw approval from a children's residential centre where— Power to withdraw approval.

- (a) he is dissatisfied with the condition or management of the centre or the care of any child therein,
- (b) it appears to him that the centre is not complying with the provisions of this Part or with the provisions of regulations made under this Part, or
- (c) it appears to him that the continued approval of the centre is unnecessary having regard to the number of children in the care of health boards who require residential care.
- (2) (a) Where the Minister proposes to withdraw approval, he shall give notice in writing to the manager of the centre specifying the date on which it is proposed to withdraw approval and (unless before that date the notice is withdrawn) on that date the withdrawal of approval shall take effect.
- (b) The date specified in the notice shall be a date not less than 28 days after the date on which the notice is served on the manager of the centre.

(3) A notice under this section shall state the grounds on which it is proposed to withdraw approval.

53.—(1) Where the manager of a children's residential centre intends to cease to carry on the centre or to cease to receive children sent to the centre by health boards, he shall give six months' notice in writing to the Minister of his intention to do so and at the expiration of six months from the date of the notice (unless before that time the notice is withdrawn) the centre shall cease to be approved under this Part. Discontinuance of centre.

(2) The Minister may if he so thinks fit accept a shorter period of notice for the purposes of subsection (1) and the provisions of that subsection shall apply with the necessary modifications.

54.—(1) An employee of a children's residential centre to which this section applies shall, for the purposes of the Local Government (Superannuation) Act, 1980, be deemed to be employed by the health board for the area in which the centre is situated subject to any modifications (including modifications to any scheme or regulations made under the said Act of 1980 and modifications as to service reckonable as pensionable service) which may, with the consent of the Minister for the Environment, be specified in an order made by the Minister. Superannuation of certain staff.

(2) In this section, "employee" means a person employed by a

children's residential centre who is the holder in a wholetime capacity of a position, the establishment, remuneration and conditions of service of which have been approved by the health board for the area in which the centre is situated, with the consent of the Minister.

(3) This section applies to a children's residential centre which— 5

(a) is not directly operated or administered by a health board,

(b) is funded by a health board,

(c) is approved as a children's residential centre in accordance with this Part, and

(d) is specified by the Minister for the purpose of this section. 10

Transitional provision.

55.—(1) On the commencement of this Part, every institution which, immediately before such commencement, was an industrial school certified in accordance with Part IV of the Children Act, 1908, functions in relation to which stood vested in the Minister, shall cease to be so certified and shall be deemed to be approved by the Minister 15 under this Part as a children's residential centre.

(2) On the commencement of this Part, every school which, immediately before such commencement, was a school approved (or deemed to be approved) for the purposes of section 55 of the Health Act, 1953 shall be deemed to be approved by the Minister under this 20 Part as a children's residential centre.

PART IX

ADMINISTRATION

Regulations.

56.—(1) The Minister may make regulations—

(a) for any purpose in relation to which regulations are provided 25 for by any of the provisions of this Act, and

(b) for prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

(2) Every order and regulation made under any provision of an enactment repealed by this Act and in force immediately before such 30 repeal shall continue in force under the corresponding provision, if any, of this Act, subject to such adaptations and modifications as the Minister may by regulations make to enable any such order or regulation to have effect in conformity with this Act.

(3) Every regulation made under this Act shall be laid before each 35 House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 40

Powers of the Minister.

57.—(1) The Minister may give general directions to a health board in relation to the performance of the functions assigned to it by or under this Act and the health board shall comply with any such direction.

(2) The Minister may cause to be inspected any service provided or premises maintained by a health board under this Act.

(3) An inspection under this section shall be conducted by a person authorised in that behalf by the Minister (in this section referred to as an authorised person).

(4) An authorised person conducting an inspection under this section may—

(a) enter any premises maintained by a health board under this Act and make such examination into the state and management of the premises and the treatment of children therein as he thinks fit, and

(b) examine such records and interview such members of the staff of the board as he thinks fit.

(5) The Minister may direct a health board to supply him with such reports and statistics in relation to the performance of the functions assigned to it by or under this Act as he may require and a health board shall comply with any such direction.

58.—(1) In making available a service under *section 3, 4 or 47*, the health board shall from time to time determine in each case whether such service shall be provided without charge or at such charge as it considers appropriate.

Charges for certain services.

(2) In making a determination in accordance with *subsection (1)* a health board shall comply with any general directions given by the Minister with the consent of the Minister for Finance.

(3) For the purposes of determining what charge, if any, should be made on any person for a service, a health board may require that person to make a declaration in such form as it considers appropriate in relation to his means and may take such steps as it thinks fit to verify the declaration.

(4) Where a person is recorded by a health board as entitled, because of specified circumstances, to a service without charge, he shall notify the board of any relevant change in those circumstances.

(5) Any charge which may be made by a health board under this Act may, in default of payment, be recovered as a simple contract debt in any court of competent jurisdiction from the person on whom the charge is made or, where the person has died, from his legal personal representative.

59.—(1) Summary proceedings for an offence under this Act may be brought and prosecuted by the health board for the area in which the offence is alleged to have been committed or by any other person.

Prosecution of offences.

(2) Notwithstanding *section 10 (4) of the Petty Sessions (Ireland) Act, 1851*, summary proceedings for an offence under this Act may be instituted within 12 months from the date of the offence.

(3) Where an offence under this Act is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body or persons and is proved to have been committed with the consent or approval of, or to have been attributable to any neglect on the part of, any person who, when

the offence was committed, was director, member of the committee of management or other controlling authority of the body concerned, or the manager, secretary or other officer of the body, that person shall also be deemed to have committed the offence and may be proceeded against and punished accordingly. 5

Functions of chief executive officer.

60.—(1) The following functions relating to a health board shall be functions of the chief executive officer of the board:

- (a) any function with respect to a decision as to whether or not to provide a service or make facilities available to any particular person; 10
- (b) any function with respect to a decision as to the making or recovery of a charge or the amount of any charge for a service provided in a particular case under *section 3, 4 or 47*;
- (c) any function in relation to whether or not to receive a child into care under *section 4*; 15
- (d) any function in relation to the payment of a grant or allowance to a voluntary body or any other person;
- (e) any function with respect to legal proceedings in relation to the care and protection of a child; 20
- (f) any function in relation to a particular child in the care of the board or in relation to the provision of aftercare;
- (g) any function in relation to the supervision of pre-school services;
- (h) such other functions as may be prescribed. 25

(2) Any question as to whether or not a particular function is a function of the chief executive officer shall be determined by the Minister.

(3) In this section "chief executive officer" includes a person acting as deputy chief executive officer in accordance with section 13 of the Health Act, 1970. 30

Expenses.

61.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART X

35

MISCELLANEOUS AND SUPPLEMENTARY

Abolition of death sentence for crimes committed by persons under eighteen years of age.

62.—(1) A person shall not be liable to suffer death for an offence committed by him when he was under the age of eighteen years.

- (2) (a) Where a person under the age of seventeen years is convicted of an offence, the punishment for which but for *subsection (1)* would be death, the court shall sentence that person to be detained and, if so sentenced, he shall be liable to be detained in such place and under such 40

conditions as the Minister for Justice may direct and while so detained shall be deemed to be in legal custody.

- 5 (b) A person of the age of seventeen years or over who but for *subsection (1)* would be liable to suffer death shall be liable to imprisonment for life.

63.—(1) It shall be an offence for a person to sell, offer or make available a substance to a person under the age of eighteen years or to a person acting on behalf of that person if he knows or has reasonable cause to believe that the substance is, or its fumes are, likely to be inhaled by the person under the age of eighteen years for the purpose of causing intoxication. Sale etc. of solvents.

15 (2) In proceedings against any person for an offence under *subsection (1)*, it shall be a defence for him to prove that at the time he sold, offered or made available the substance he was under the age of eighteen years and was acting otherwise than in the course of or furtherance of a business.

20 (3) In proceedings against any person for an offence under *subsection (1)* it shall be a defence for him to prove that he took reasonable steps to assure himself that the person to whom the substance was sold, offered or made available, or any person on whose behalf that person was acting, was not under the age of eighteen years.

(4) A person who is guilty of an offence under *subsection (1)* shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or to both.

25 (5) Subject to *subsection (6)*, a court by which a person is convicted of an offence under this section may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court thinks fit.

30 (6) A court shall not order anything to be forfeited under this section unless an opportunity is given to any person appearing to the court to be the owner of or otherwise interested in it to show cause why the order should not be made.

35 (7) This section is without prejudice to the provisions of the Misuse of Drugs Acts, 1977 and 1984.

64.—Section 17 of the School Attendance Act, 1926 (which deals with the failure of a parent to comply with the Act) is hereby amended by the substitution for paragraph (b) of subsection (4) of the following:— Amendment of section 17 of the School Attendance Act, 1926.

40 “(b) having heard the health board for the area in which he is resident, make a care order committing him to the care of that board and in such case the provisions of *Part IV* of the *Child Care Act, 1990* shall apply as if the order were an order made thereunder”.

45 65.—Section 15 of the Guardianship of Infants Act, 1964 (which gives power to the court to order repayment of costs of bringing up an infant) is hereby amended by the insertion in paragraph (b) after the words “assistance has been provided for the infant by a health authority under section 55 of the Health Act, 1953,” of the words “or Amendment of section 15 of the Guardianship of Infants Act, 1964.

that at any time the infant has been maintained in the care of a health board under *section 4* of the *Child Care Act, 1990*".

Amendment of
section 16 of the
Guardianship of
Infants Act, 1964.

66.—Section 16 of the Guardianship of Infants Act, 1964 (which requires the court in making an order for the delivery of an infant to its parent to have regard to the conduct of the parent) is hereby amended by the insertion in paragraph (b) after the words "or to be provided with assistance by a health authority under section 55 of the Health Act, 1953" of the words "or to be maintained in the care of a health board under *section 4* of the *Child Care Act, 1990*". 5

Maintenance —
saver in relation to
members of
Defence Forces.

67.—(1) Section 98 of the Defence Act, 1954 (which provides for deductions from pay of members of the Permanent Defence Force and reservists called out on permanent service in respect of court orders under sections 75, 82 or 99 of the Children Act, 1908) shall apply in like manner to an order made under *section 18*. 10

(2) Section 107 of the Defence Act, 1954 (which provides that court orders made under the aforementioned sections against a member of the Permanent Defence Force or a reservist during any period when he is called out on permanent service shall not be enforceable by imprisonment) shall apply in like manner in the case of an order made under *section 18*. 15
20

Repeals.

68.—The enactments specified in the *Schedule* are hereby repealed to the extent specified in the third column.

SCHEDULE

Section 68.

ENACTMENTS REPEALED

Session and Chapter or Number and Year.	Short Title	Extent of Repeal
4 Edw. 7, c.15.	Prevention of Cruelty to Children Act, 1904.	The whole Act.
8 Edw. 7, c.67.	Children Act, 1908.	Part 1, Sections 13 and 15, Sections 20 to 26, Sections 34, 36 and 38 (1), Section 58 (1), (5), (6), (7) and (8), Section 59, Section 74 (11), Sections 103, 118, 119, 122 and 126.
3 & 4 Geo. 5, c.7.	Children (Employment Abroad) Act, 1913.	The whole Act.
No. 15 of 1934.	Children Act, 1934.	The whole Act.
No. 12 of 1941.	Children Act, 1941.	Section 10 (1).
No. 25 of 1952.	Adoption Act, 1952.	Section 31 (2).
No. 26 of 1953.	Health Act, 1953.	Sections 55, 56, 57 and 65 (2).
No. 28 of 1957.	Children (Amendment) Act, 1957.	Sections 2, 3 and 10.
No. 2 of 1964.	Adoption Act, 1964.	Section 10.

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*(mar a leasáladh i gCoiste)
dá ngairtear*

Acht do dhéanamh socrú le haghaidh cúram agus
cosaint leanaí agus le haghaidh nithe gaolmh-
ara.

An tAire Sláinte a thólaic

*Ordáladh ag Dáil Éireann a chlóbhualadh,
10 Iúil, 1990*

**BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

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*(as amended in Committee)
entitled*

An Act to provide for the care and protection of
children and for related matters.

Presented by the Minister for Health

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