

(2) The court re-hearing any proceedings under this section—

- (a) is not required to be the court before which the original proceedings were heard;
- (b) shall be constituted of a special magistrate sitting alone;
- (c) has power to set aside or vary any finding or order made in the original proceedings;
- (d) has power to make any finding or order which could have been made in the original proceedings; and
- (e) may make such recommendation to the Minister thereon as may in the opinion of the court meet the circumstances.

(3) Where an application is made for the re-hearing of any proceedings under this section and the court considers that cause has been shown, a child against whom an order was made at the original hearing may be admitted to bail.

(4) Except where the court considers that it is expedient and just so to do, no new evidence shall be admitted at the re-hearing of any proceedings pursuant to this section.

(5) Where any proceedings are re-heard pursuant to this section the proceedings as so re-heard shall not be taken to have been original proceedings for the purposes of any further application but nothing in this section derogates from any right that may be available to any person by way of appeal under the Justices Act, 1902.

27. (1) Subsection (1) of section 28 of the principal Act is amended by deleting the passage "of any Government detention house, reception home, remand home, police station or police

Section 28  
amended.

lock-up", in lines four to six, and substituting the passage "for the time being of any Departmental Centre or Departmental facility, or by any Police officer".

(2) Subsection (2) of section 28 of the principal Act is amended—

- (a) by inserting after the word "parents", in line ten, the words "or guardian"; and
- (b) by inserting after the word "heard", in line eleven, the passage ", if present".

Heading amended.

28. The heading immediately preceding section 29 of the principal Act is amended by deleting the passage—

*"Destitute, Neglected or Uncontrolled Children"*  
and substituting the passage *"Children in Need of Care and Protection"*.

Section 29 amended.

29. (1) Subsection (1) of section 29 of the principal Act is amended by deleting the words "a destitute or neglected or uncontrolled child", in lines four and five, and substituting the words "in need of care and protection".

(2) Subsection (2) of section 29 of the principal Act is amended—

- (a) by deleting the passage "or when any child is apprehended and charged with the commission of any offence whatsoever, pending the hearing of proceedings against him for the offence charged or during any adjournment thereof or during any period of remand," in line four to line nine;
- (b) by deleting paragraph (aa), paragraph (c) and paragraph (d);
- (c) by deleting the passage "such child;" in line four of paragraph (b), and substituting the passage "that child; or"; and

(d) by adding a further paragraph, to stand as paragraph (c), as follows—

(c) taken to and placed in any Departmental Centre or Departmental facility of an appropriate kind, or such other suitable place as is approved by the Director.

(3) Subsection (3) of section 29 of the principal Act is amended by deleting the passage “subsections (1) and (2)”, in lines two and three, and substituting the passage “subsection (1)”

(4) Section 29 of the principal Act is amended by inserting after subsection (3) two new subsections, to stand as subsections (3a) and (3b), as follows—

(3a) Where a child under the age of six years is admitted to a hospital and there are reasonable grounds to suspect that the child is a child in need of care and protection, the Medical Officer in charge of that hospital, or his deputy, may order that the child be detained in the hospital for a period not exceeding forty-eight hours for the purposes of observation, assessment or treatment, but shall thereupon give notice to the Department in the prescribed manner.

(3b) Where a child is detained in a hospital pursuant to subsection (3a) of this section, on the expiration of the period of detention that child shall—

(a) be discharged from the hospital;  
or

(b) remain in the hospital with the consent of a parent or guardian;  
or

(c) be apprehended and dealt with in accordance with the provisions of this section or of section forty-seven B of this Act,

as the case may require.

Section 30  
amended.

30. Section 30 of the principal Act is amended—

- (a) by inserting after the section designation "30." the subsection designation "(1)";
- (b) by deleting the words "a destitute or neglected child", in line two and again in lines four and five, and substituting in each case the words "in need of care and protection";
- (c) by inserting a new paragraph to stand as paragraph (b) as follows—
  - (b) placed under the control of the Department; or ;
- (d) by deleting the words "on probation", in line one of paragraph (c); and
- (e) by adding three new subsections as follows—

(2) All proceedings under this section shall be disposed of in chambers unless the Court otherwise determines, and any such proceedings may be ordered to be heard *in camera*.

(3) In relation to any application for a declaration that a child is in need of care and protection, or on any complaint that a child is a habitual truant,—

- (a) the court shall admit in evidence any statement, whether oral or otherwise, voluntarily expressed or necessarily implied and whether made in the presence of a party to those proceedings or not; and
- (b) the child, the parents and any guardian of the child, and any person who is alleged to have contributed by action or neglect towards the need of the child for care and protection, shall be deemed to be parties to the proceedings.

(4) Where in any proceedings under this section an allegation that a child is in need of care and protection, or is a habitual truant, is found to be proved the child shall not thereby be taken to be guilty or convicted of an offence.

31. Section 30A of the principal Act is repealed. Section 30A repealed.

32. Section 31 of the principal Act is amended— Section 31 amended.

- (a) by inserting after the word “to”, in line one, the passage “, or placed under the control of,”;
- (b) by deleting the words “of committal”, in line two, and substituting the words “of the court”;
- (c) by deleting the word “institution”, in line four, and substituting the word “place”; and
- (d) by deleting the words “receiving depot”, in line six, and substituting the words “Departmental Centre or Departmental facility of an appropriate kind”.

33. The principal Act is amended by repealing section 137 and re-enacting it to stand as section 31A amended in manner following, that is to say— Section 31A added (presently stands as s. 137).

(a) in subsection (1),—

- (i) by deleting the words “a neglected child”, in line nine and again in lines ten and eleven, and substituting in each case the words “a child in need of care and protection”; and
- (ii) by deleting the penalty provision and substituting a new passage as follows—

**Penalty:** Five hundred dollars or imprisonment with hard labour for six months. ; and

(b) by deleting subsection (2).

New  
Heading  
added.

34. The principal Act is amended by inserting, immediately before section 32, a new heading as follows—

*Uncontrolled Children.*

Section 32  
amended.

35. Section 32 of the principal Act is amended—

- (a) by inserting after the section designation "32.", the subsection designation "(1)";
- (b) by deleting the word "A", in line one, and substituting the passage "Subject to the provisions of this section, a";
- (c) by deleting the passage commencing with the word "may", in line five, and ending with the word "that", in line seventeen, and substituting the passage "may deal with the child as though it were a child in need of care and protection.";
- (d) by deleting the word "no", in line seventeen, and substituting the passage "(2) No";
- (e) by deleting the word "neglect", in line twenty, and substituting the words "his own omissions"; and
- (f) by adding two new subsections as follows—

(3) No application under subsection (1) of this section shall be heard unless the court is satisfied that the applicant gave reasonable notice in writing to the Department of his intention to bring the child before the court pursuant to the provisions of this section.

(4) An officer of the Department or a Police officer may bring a child before the court on the ground that it is uncontrolled, and the court, if satisfied that the application is well founded, may deal

with the child in like manner and to the same extent as if the child had been brought before the court on the application of a near relative.

36. Section 33 of the principal Act is repealed. Section 33 repealed.

37. The principal Act is amended by inserting, immediately following section 32, a new heading as follows— New Heading added.

*Offending Children.*

38. The principal Act is amended by inserting a new section, to stand as section 33, as follows— New section 33 added.

33. (1) When any child is apprehended, or is charged, following the alleged commission of an offence the child shall, as soon as is practicable, be brought before the court, or where the circumstances are appropriate before a Children's Panel, to be dealt with according to law. Offending Children.

(2) Unless the proceedings against the child are initiated by way of summons or the child is released on bail, pending the hearing of any proceedings against a child or during any adjournment of a hearing or a period of remand, committal or referral arising from those proceedings the child shall be—

- (a) taken to his place of residence and there left, upon the recognisance of a near relative, or the recognisance of some other responsible person, for his appearance;
- (b) placed with some respectable person, and such arrangement or agreement made as may be necessary or proper for the care and maintenance of that child; or

- (c) taken to and placed in any Departmental Centre or Departmental facility of an appropriate kind, or such other suitable place as is approved by the Director.

(3) Nothing in this section shall be construed as limiting the application of section twenty-eight of this Act.

(4) It shall be the duty of every police officer and officer of the Department to ensure, so far as is practicable, that a child arrested for an offence is not held in custody but is taken to his place of residence and there released if any person is willing to enter into a recognisance for the appearance of that child in court, unless—

- (a) the offence is that of treason, wilful murder, murder, manslaughter, or rape, or of attempting any such crime; or
- (b) the detention of the child is necessary in order to prevent persistence by the child in, or repetition by the child of, conduct of the kind constituting the offence, or to prevent the commission of other offences against this or any other Act; or
- (c) proceedings by way of summons would not be effective, are not possible, or reasonable having regard to the welfare of the child, other persons, or property.

(5) Where no person is willing to enter into a recognisance for the appearance in court of a child arrested for an offence, the child may be held in custody.

Section 34  
amended.

39. Section 34 of the principal Act is amended—

- (a) by inserting after the section designation "34." the subsection designation "(1)";



- (b) by deleting the words "commit such child to the care", in line four, and substituting the words "place that child under the control";
- (c) by deleting the passage "for treatment, discipline and training", in lines five and six;
- (d) by deleting paragraph (c) and re-enacting it with amendments as follows—
  - (c) on being satisfied that such punishment as the court may approve has been, or on the undertaking of a near relative will be, inflicted on the child dismiss the case or adjourn it until the punishment is carried out, as the case requires; or ;
- (e) by deleting the passage "dollars:", in line thirty six, and substituting the passage "dollars.";
- (f) by deleting the passage "Provided that no", in line thirty-seven, and substituting the passage (2) No";
- (g) by deleting the second proviso to the section; and
- (h) by adding a new subsection as follows—
  - (3) No order for the payment of a fine shall be imposed on a child unless the court is satisfied after enquiring into the means of that child that the child has the ability to pay either on demand or by instalments related to such means, and in no case shall any default order be made against a child for non-payment of a fine where that child is below the school leaving age or is receiving full time education.

**40. Section 34A of the principal Act is amended—** Section 34A amended.

- (a) by deleting the word "fourteen", in line three, and substituting the word "sixteen";