

CHAPTER 169

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SCHEDULE

CHAPTER 169

REFORMATORY AND INDUSTRIAL SCHOOLS

*An Act to consolidate the Acts relating to the Reformatory and Industrial Schools.*¹

1926-1.
1926-2.
1944-26.
1949-5.
1956-57.
L.N. 168/
1967.
1981-36.
1994-18.
1998-15.

[6th February, 1926] Commence-
ment.

1. This Act may be cited as the *Reformatory and Industrial Schools Act*. Short title.

PART I

Preliminary

2. For the purposes of this Act, the expression

Interpreta-
tion.

"School" means a Reformatory and Industrial School established under this Act and includes any lands or buildings used as or for the purposes of a Reformatory and Industrial School under sections 3 and 4.

PART II

Establishment and organisation of Schools

3. It shall be lawful for the Minister by proclamation to authorise and cause any lands or building he may think fit to be used as a Reformatory and Industrial School, and any lands or building so authorised to be so used shall be subject to this Act.

Minister
may
authorise the
use of any
land or
building as a
School.

¹This Act consolidates the *Reformatory and Industrial School Act, 1926*, (Act 1926-1,) and the *Reformatory and Industrial School (Girls) Act, 1926*, (Act 1926-2).

ss.4-9

Crown lands may be used for School for Girls. 1926-2.

4. It shall be lawful for the Minister to use any Crown lands or buildings for the purpose of a Reformatory and Industrial School for Girls and any lands and buildings so used shall be subject to this Act.

"Dodds" plantation vested in Crown. L.N. 168/1967.

5. The plantation called "Dodds" situate in the parish of Saint Philip together with all buildings now standing or being erected thereon and all the appurtenances thereof are hereby vested in the Crown.

Government Industrial School to be kept up by Minister. L.N. 168/1967.

6. The School established on the said plantation for the instruction and training and for the employment in agricultural work of such boys as are hereafter in this Act specified shall be maintained by the Minister and shall be called and known by the name of the Government Industrial School.

Minister to erect suitable buildings, to make alterations and repairs and to provide furniture and implements, etc., for agricultural work. L.N. 168/1967.

7. (1) The Minister shall erect on the said plantation all such buildings as are required for any School thereon for the purposes mentioned in section 3.

(2) The Minister shall, when and so often as is necessary, make all such alterations or repairs as may be requisite in all buildings erected on the said plantation.

(3) The Minister shall provide for the School all such furniture as is requisite and all such implements, utensils and things as are required for the agricultural work in which the boys sent to the School are employed.

Principal to employ watchman and other servants.

8. (1) The Principal shall, subject to the approval of the Minister, employ such watchmen as are necessary and such persons as may from time to time be required to perform any agricultural work on the said plantation which the boys of the School are unable to perform.

(2) The Principal shall, subject to the approval of the Minister, determine the rate of wages to be paid to the servants and persons employed in accordance with subsection (1).

Superintendent of Prisons official visitor.

9. The Superintendent of Prisons shall be the official visitor of the Schools and shall visit each School at least once in every 3 months.

10. Every officer of a School, who is in charge of any child sent to that School under this Act for the purpose of conveying him to or from the School or of bringing him back to the School in case of his escape or refusal to return, shall, for such purpose and while engaged in such duty, have all such powers, authorities, protection and privileges for the purpose of the execution of his duty as an officer of the School as any duly appointed constable has by common law, Act or custom.

Officer conveying any child has powers, etc., of a constable.

1926-2.

PART III

Classes of Children to be sent to the Schools

11. (1) Whenever any child, who, in the judgment of the court or magistrate before whom he is charged, is under the age of 16 years, is convicted on indictment or in a summary manner of an offence punishable with imprisonment, in lieu of or in addition to any other punishment to which he may be subject, the court or magistrate may, subject to subsection (2), sentence him to be sent to a School and there detained for a period of not less than 3 years and not more than 5 years but not in any case extending beyond the time when the boy will in the opinion of the court or magistrate attain the age of 19 years.

Court or magistrate may sentence child under 16 to be sent to a School.

(2) A child under the age of 10 years shall not be so directed to be sent to a School under this section, unless he has been previously charged with some crime or offence punishable with imprisonment or is sentenced by a Judge.

12. The Officer-in-charge of any prison, having in his custody any child sentenced under section 11 to be sent to a School, shall at the appointed time deliver such child into the custody of the Principal or other person in charge of the School together with the warrant or other document in pursuance of which such child was imprisoned and is sent to the School.

Child sentenced under section 11 to be delivered to a School.

13. Where a child has been or is sentenced to imprisonment and such child is pardoned by the Governor-General¹ on condition of the child's going to a School, the Governor-General may direct the child if

Governor-General may commute any sentence by ordering child to be sent to a School.

¹See Constitution, section 78.

under the age of 16 years to be sent to the School for a period not less than 3 years and not more than 5 years, and thereupon the child shall be deemed to be subject to all the provisions of this Act as if the child had been originally sentenced to detention in the School.

Child under 16 in need of care and protection may be brought before magistrate who may send to a School.

14. (1) Subject to subsection (2), any person may bring before a magistrate any child apparently under the age of 16 years who is

- (a) found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything) or is in any street or public place for the purpose of so begging or receiving alms;
- (b) found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence;
- (c) found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;
- (d) frequenting the company of known thieves;
- (e) lodging, living or residing with common prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution;
- (f) frequenting the company of common prostitutes;
- (g) the daughter of a father who has been convicted of an offence under sections 4 and 5 of the *Sexual Offences Act*, in respect of any of his daughters; or
- (h) being a girl, living in circumstances calculated to cause, encourage or favour her seduction or prostitution.

Cap. 154.

(2) Any girl coming within any of the descriptions contained in paragraphs (g) and (h) of subsection (1) shall be brought before a magistrate only in his capacity as presiding justice of a juvenile court within the meaning of the *Juvenile Offenders Act* and not otherwise.

Cap. 138.

(3) Subject to subsection (4), where the magistrate before whom a child is brought as coming within subsection (1) is satisfied on enquiry of that fact and that it is expedient to deal with him under this Act, he may order him to be sent to the School.

(4) Where for the first offence the parent or guardian of such child appears before the magistrate and claims the child, such child shall be delivered up to such parent or guardian on such parent or guardian undertaking in writing to be responsible for the good behaviour of the child for the period of 12 months from the day of the date thereof.

(5) Where a magistrate thinks that it is expedient that a child, instead of being sent to the School under this section, should be committed to the custody of a relative or some other fit person named by the magistrate (such relative or other person being willing to undertake such custody) until the child attains the age of 16 years or for any shorter period, the magistrate may deal with the child in like manner as the magistrate might have dealt with the child under section 8 of the *Prevention of Cruelty to Children Act* had a parent of the child been convicted of an offence under that Act. Cap. 145.

15. Where a child apparently under the age of 16 years is charged before a magistrate with an offence punishable by imprisonment or a less punishment and the child ought, in the opinion of the magistrate, regard being had to the age of the child and to the circumstances of the case, to be dealt with under this Act, the magistrate may order the child to be sent to a School. Child charged with certain offences may be sent to a School.

16. Where the Child Care Board represents to a magistrate that any child apparently under the age of 16 years maintained in a public assistance institution is refractory or is the child of parents either of whom has been convicted of an offence punishable with imprisonment and that it is desirable that the child be sent to a School, the magistrate may, if satisfied that it is expedient to deal with the child under this Act, order the child to be sent to a School. Magistrates on representations of Child Care Board may order child to be sent to a School.

17. (1) Any order of a magistrate under section 14, 15 or 16 for the detention of a child at a School shall be in writing signed by the magistrate and shall specify the time for which the child is to be detained in the School, being such time as to the magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child attains the age of 18 years. Order of magistrate specifying period of detention under sections 14, 15 and 16.

(2) Every order as mentioned in subsection (1) shall when made be forwarded to the Principal or other person in charge of the School together with the child to whom such order relates.

Minister to make arrangements for delivering child and documents.

18. The Minister shall from time to time make such arrangements as may be necessary for carrying out section 12 and subsection (2) of section 17.

Possession of warrant or order sufficient.

19. The possession of any such warrant or order as is mentioned in sections 12 and 17 shall be a sufficient authority for the conveyance to and detention in a School of the child to whom such warrant or order relates.

PART IV

Licence to live out of School and Apprenticeship

Principal may license child to live with trustworthy person.

20. The Principal of a School may, at any time after the expiration of 18 months of the period of detention allotted to a child and with the approval of the Minister, by licence under his hand permit such child to live with any trustworthy and respectable person named in the licence, who is willing to receive and take charge of the child and may, in such licence with like approval, insert any such conditions as he thinks fit as to the employment of the child to whom such licence relates.

Licence not to be for more than 3 months but may be renewed.

21. Any licence granted under section 20 shall not be in force for more than 3 months but may at any time before the expiration of such 3 months be renewed with the approval of the Minister for a further period not exceeding 3 months, to commence from the expiration of the previous period of 3 months and so from time to time until the period of detention of the child to whom such licence relates has expired.

22. Any licence granted or renewed under section 20 or 21 may, with the approval of the Minister, be revoked by the Principal of the School by writing under his hand at any time before the expiration of the period for which the same would otherwise remain in force, and thereupon the child to whom the licence related may be required by the Principal by writing under his hand to return to the School.

Revocation
of licences.

23. The time during which a child is absent from the School in pursuance of a licence granted or renewed under section 20 or 21 shall, except where such licence has been forfeited by the child's misconduct, be deemed to be part of the time of detention of the child in the School and at the expiration of the time fixed by the licence or renewed licence the child shall be taken back to the School.

Period of
licence
counted as
part of
detention at
the School.

24. Any child escaping from the person with whom he is placed in pursuance of section 20 or refusing to return to the School at the expiration of the time fixed by the licence or renewed licence, or when required to do so on the revocation of the licence, shall be liable to the same penalty as if he had escaped from the School itself.

Escapes from
person with
whom placed
or refusal to
return to
School.

25. The Principal of a School with the approval of the Minister may at any time after a child has been placed out on licence, if the child conducts himself well during his absence from the School, bind him, with his own consent, apprentice to any trade, calling or service, notwithstanding that the child's period of detention or supervision has not expired and every such binding shall be valid and effectual to all intents.

Apprentice-
ships to
trades.

26. The Principal of a School at any time after the expiration of eighteen months of the period of detention allotted to a child, may, with the approval of the Minister and with the consent of the child, and with or without the consent of the parent of the child, by indenture under hand and seal, bind the child to perform such work, labour or service for such person either to the sea merchant service on a British ship or in such part of the Commonwealth outside the Island, on such terms and subject to such conditions as are respectively named and

Apprentice-
ships to sea
service or
service in
Common-
wealth.

L.N. 168/
1967.

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specified in the said indenture, for any period not exceeding three years determinable as hereinafter in this Act mentioned.

Provisions
which every
indenture
shall contain.

27. (1) Every indenture entered into under this Act shall, after approval of its terms by the Minister, be executed by the Principal of the School, by the child to whom it relates and by the owner of the ship or his agent or the person with whom such child agrees to serve, as the case may be.

(2) Every such indenture shall contain provisions to the following effect—

- (a) a provision binding the child to do and render the work, labour and services of the nature and extent therein described;
- (b) a provision binding the child's employer to pay the child after the expiration of such period, not exceeding six months as may be agreed on, the rate of remuneration or wages therein specified and also to supply the child free of charge with food, lodging and, except in the case of an indenture of apprenticeship to the sea service, with clothing and with medical aid and medicine whenever necessary;
- (c) an agreement (except in the case of an indenture of apprenticeship to the sea service) that, so far as the object can be effected by agreement between the parties, the indenture shall be enforceable and proceedings may be taken in respect of any breach thereof in the magisterial or petty debt courts of the district of the part of the Commonwealth to which the child is going:

Provided always that the court to which any complaint is made by either party to such indenture may in lieu of enforcing the same terminate the contract on such terms as it thinks best;

- (d) a provision binding the employer to furnish the Principal of the School with any information as to the condition of the child which may be asked for by the Principal in person or by letter and to permit the Principal and also in the case of a ship the Harbour Master, or any person authorised in writing by them or either of them, to visit

the child at any time during the day on giving the employer 24 hours previous notice of the intended visit or, in the case of a ship, at any time without previous notice;

- (e) a statement of the duration of the contract;
- (f) a provision enabling the Minister at any time and without notice to cancel the said indenture and terminate the service under the same;
- (g) such further or other provisions not contrary to this Act as may be required or approved by the Minister.

28. (1) The time during which a child is absent from a School under an indenture made under this Act shall, except where such an indenture has been terminated owing to his misconduct, be deemed to be part of the time of the child's detention in the School, and subject to subsection (2), at the expiration of the time for which such indenture is made he shall, if his term of detention has not expired, be taken back to the School.

Period
passed
under
indenture
deemed part
of term of
detention at
School.

(2) No child shall be detained beyond the age of 21 years.

29. Any child indentured under section 26 found in Barbados without lawful excuse before the expiration of the term of his indenture shall be deemed to have escaped from the School and be liable to the same penalty as if the child had so escaped.

Punishment
of children
under
indenture
found in
Barbados
before the
end of term.

30. All sums needed for the outfit of any child emigrating or indentured to the sea service under this Act, and any sums needed for any necessary payment to owners of ships or other expenses incidental to the apprenticeship of children to the sea service, which may be approved by the Minister, shall be furnished out of the sums voted by Parliament for the upkeep of the Schools.

Expenses of
outfits for
apprentices.
L.N. 168/
1967.

PART V

Offences in relation to Schools

Boys
neglecting
or refusing
to conform
to the rules
of School.

31. (1) Any boy detained in a School who wilfully neglects or wilfully refuses to conform to the rules thereof may for every such offence be ordered by the Principal to be whipped with a birch or tamarind rod or suitable cane, the punishment not to exceed 12 stripes in the case of a boy whose age does not exceed 16 years and 24 stripes in the case of a boy whose age exceeds 16, or to be kept in solitary confinement for such period not exceeding 5 days as the Minister may by any regulation determine.

(2) Such period of confinement shall not be computed as part of the boy's time of detention.

L.N. 168/
1967.

(3) No order under subsection (1) shall be carried out unless approved by the Minister, who shall have power to alter, vary or annul the order of the Principal.

(4) Any boy ordered by the Principal to be punished may be kept separate from the other boys until the Minister's will in the matter is communicated to the Principal.

(5) Notwithstanding the foregoing provisions of this section

(a) for maintaining discipline and for domestic offences, the Principal may impose immediate punishment not exceeding 10 stripes with a cane or slender rod or two days solitary confinement on punishment diet as the Minister may by any regulation determine;

(b) for maintaining discipline during school hours the instructor may with the approval of the Principal inflict not more than 6 stripes with a cane or slender rod.

(6) In every case in which action is taken under subsection (5) the Principal shall within 7 days make a report thereof with full particulars to the Minister.

Girls
neglecting
or refusing
to conform
to the rules
of School.

32. (1) Any girl detained in a School who wilfully neglects or wilfully refuses to conform to the rules thereof shall be subject to such punishment as the Minister may by rule determine.

(2) The punishment of whipping shall not be inflicted on any girl for any offence under this section.

33. (1) Any child detained in a School who is guilty of a serious and wilful breach of the rules of the School or of inciting other inmates of the School to such a breach shall be liable upon summary conviction to have the period of detention in the School increased by such a period not exceeding six months as the court directs or, if of the age of sixteen or upwards, to be imprisoned for three months.

Child guilty of serious breach of rules may have period of detention increased or, if 16 or over, may be imprisoned.

(2) A child sentenced to imprisonment under subsection (1) shall be brought back to the School, there to be detained during a period equal to so much of the period of detention as remained unexpired at the time of being sent to prison.

(3) A period of detention may be increased in pursuance of this section notwithstanding that the period as so increased will extend beyond the limits imposed by this Act.

34. (1) Any boy sentenced or ordered to be detained in a School who escapes therefrom may at any time before the expiration of his period of detention be apprehended without warrant, and if the Principal of the School think fit, but not otherwise, may, any other Act to the contrary notwithstanding, be then brought before a magistrate of the district in which he is found or in which the School is situate.

Power to apprehend and punish boys escaping from School.

(2) The boy shall thereupon be liable on summary conviction to be whipped, not exceeding twelve stripes in the case of a boy whose age does not exceed sixteen and twenty-four stripes in the case of a boy whose age exceeds sixteen, with a rod, and he shall be brought back to the School there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

35. (1) Any girl sentenced to be detained in a School who escapes therefrom may at any time before the expiration of her period of detention be apprehended without warrant and returned to the School there to be detained during a period equal to so much of her period of detention as remained un-

Power to apprehend and punish girls escaping from School.

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expired at the time of her escaping and she shall be subject to such punishment as the Minister shall by rule determine.

(2) The punishment of whipping shall not be inflicted on any girl for any offence under this section.

Punishment
for offences
relating to
escapes.

36. Any person who—

- (a) knowingly assists, directly or indirectly, a child detained in a School to escape therefrom; or
- (b) directly or indirectly induces such child to escape from a School; or
- (c) knowingly harbours, conceals or prevents from returning to a School or assists in harbouring, concealing or preventing from returning to a School any child who has escaped therefrom; or
- (d) knowingly assists or induces, directly or indirectly, a child placed out on licence to escape from any person with whom the child is so placed out on licence or prevents the child from returning to any such person,

shall on summary conviction before a magistrate be liable to a penalty of twenty-four dollars or, at the discretion of the magistrate to be imprisoned for two months.

Prosecutions
require *fiat*
of D.P.P.
L.N. 168/
1967.

37. No prosecution for an offence under this Act shall be commenced without the sanction of the Director of Public Prosecutions.

PART VI

Discharge from the Schools and After-Care

Minister may
order dis-
charges un-
conditionally
or on terms.

38. The Minister may at any time order any child to be discharged from a School either unconditionally or on terms to be stated in the order for the child's discharge.

Supervision
after expira-
tion of period
of detention
by direction
of Minister.

39. (1) Every child sentenced or ordered to be detained in a School shall, from the expiration of the period of the child's detention at the School remain up to the age of nineteen under the supervision of the Principal of the School, if the Minister so directs.

(2) A child under supervision shall be permitted by licence under the hand of the Principal to live with any trustworthy and respectable person who is willing to receive and take charge of him and who is approved by the Minister, upon such terms as the Principal with the approval of the Minister prescribes.

(3) Such licence may be revoked by the Principal with the approval of the Minister and the child so licensed recalled to the School, or the child may be recalled to the School without revoking the licence.

(4) Any child so recalled may be detained in the School until again placed out on licence with a person to be approved under subsection (2) or until returned to the person to whom the child is licensed and shall be liable to such punishment as may be prescribed by rules made by the Minister if his recall is due to any misconduct on his part.

(5) A child shall not be recalled under subsection (3) unless the Minister is of opinion that the recall is necessary for protection of the child.

(6) The Principal shall again place out the child recalled under subsection (3) as soon as possible and at latest within three months after the recall, if it be practicable, or return the child to the person to whom the child is licensed.

(7) A licence granted to a child within three months before the expiration of the period of detention shall, if the child is liable to be under supervision in accordance with this section, continue in force after the expiration of that period and may be revoked by the Principal in the same manner as if it had been granted under this section.

(8) The Minister may at any time order that a person under supervision under this section shall cease to be under such supervision.

40. (1) Any child who is discharged from a School without being directed by the Minister to be under the supervision of the Principal may at any time before he attains the age of nineteen years be directed by the Minister or by any magistrate before whom he is charged with having committed any offence or by the Principal, to be under the supervision of the Principal,

Supervision
of child dis-
charged
without being
put under
supervision.

THE LAWS OF BARBADOS

and shall upon such order being served on him return to the School and be dealt with in the same manner as any child recalled under subsection (3) of section 39.

(2) Where such a child fails to return to the School, he may be apprehended without warrant and brought back to the School, and any person who knowingly harbours or conceals the child or prevents the child from returning to the School shall be liable to the same penalty as if the child had escaped from the School.

(3) Any order made under this section by a magistrate or by the Principal shall take immediate effect but shall be submitted as soon as possible for the approval of the Minister who may, if he sees fit, rescind the same.

PART VII

Financial Provisions

Payment for
child sent to
School under
section 16.

41. The Interim Commissioner for Local Government in exercise of his functions in relation to the local government area from which a child is sent to a School under section 16 shall pay to the Principal on the first day of each month a sum equal to the rate of twenty-four cents per week for the maintenance of such child at the School during the preceding month.

Parents liable
for main-
tenance.

42. The parent or step-parent or other person legally liable to maintain any child detained in a School shall, if of sufficient ability, contribute to the child's support and maintenance therein a sum not exceeding forty-eight cents per week, and in determining the legal liability of any such parent or step-parent or other person under this section, common reputation as to the relationship existing between such persons and the child shall be sufficient.

Enforcement
of parental
contributions.

43. (1) On the complaint of the Principal of a School or of any police officer at any time during the continuance of any child in the School, the magistrate having jurisdiction at the place where the parent, step-parent or other person liable to maintain such child resides, may, on summons to the parent or step-parent or other such person examine into his or her ability and may, if he think fit, make an order on him or her

for the payment to the Principal of such weekly sum not exceeding 48 cents per week, as to him seems reasonable during the whole or any part of the period for which the child is liable to be detained in the School, and in default of payment the same shall be recovered by the Principal in a summary manner.

(2) For the purposes of this section and section 45, the expression "Principal" includes any agent authorised by him in writing.

44. Every order made under section 43 may specify the time during which the payment is to be made or may be until further order.

Order may specify time of payment.

45. Any magistrate having jurisdiction to make an order under section 43 may, from time to time, vary the same as circumstances require on the application either of the person on whom the order is made or of the Principal of a School, on 14 days notice of such application being first given to the Principal or to such person, as the case may be.

Magistrate may vary order.

46. The Minister may in his discretion remit all or any part of any payment ordered to be made under section 43.

Minister may remit payment or part.

47. All sums of money received by the Principal of a School under orders made in accordance with section 43 and all sums of money realised by the sale of the produce of the lands of "Dodds" plantation, shall be paid at the end of each month into the Consolidated Fund.

Moneys under orders paid into Consolidated Fund.

48. The accounts of the Schools shall at all times be open to the inspection of the Auditor-General, who is hereby required to audit the same annually.

Accounts to be audited.

PART VIII

Advisory Board

49. (1) The Minister shall appoint an Advisory Board, in this Act referred to as the "Board".

Advisory Board.
1998-15.

(2) The constitution of the Board and matters related thereto are those set out in the *Schedule*.

Schedule.

(3) The Permanent Secretary shall assign a public officer in the Ministry responsible for Reformatory and Industrial Schools to be Secretary to the Board.

Functions of
the Board.
1998-15.

50. (1) The Board shall advise the Minister on all matters relating to

- (a) the welfare of the children within its care, including their conduct, standard of discipline, education and safety;
- (b) the proper maintenance and overall management of the Schools; and
- (c) any other matter on which the Minister seeks the advice of the Board.

(2) The Board shall advise the Principal on

- (a) the management and supervision of the Schools;
- (b) the welfare and conduct of the staff of the Schools;
- (c) the education, training, recreation, discipline and welfare of the children; and
- (d) any other matter referred to the Board by the Principal.

(3) The Board shall immediately notify the Minister of any abuses in connection with the Schools of which the Board has knowledge.

PART IX

Rules and Regulations

Rules and
regulations.

51. (1) The Minister shall, when and so often as is necessary, make rules and regulations for all or any of the following purposes

- (a) determining the duties to be performed by the several officers of the Schools and by the Superintendent of Prisons as official visitor of the Schools;
- (b) the proper classification of the inmates of the Schools;

- (c) the training, education and moral and religious instruction, the employment in agricultural work, and the apprenticeship, of the children sent to the Schools;
- (d) maintaining proper conduct, standards of discipline and safety with respect to the children sent to the Schools; and 1998-15.
- (e) generally for the effective administration of this Act, for good management and government of the Schools and the children sent thereto whether they are in, about or beyond the limits of the Schools.
- (2) No rules and regulations made under subsection (1) for the purposes mentioned in paragraph (d) shall direct that the punishment of whipping be inflicted on any girl. 1926-2.

52. The Minister may make rules and regulations for

- (a) the establishment of the mark system at the Schools;
- (b) rewarding, by means of good conduct badges, prizes and small money payments, those children who earn the requisite number of marks; and
- (c) punishing, by means of withdrawal of privileges or by requiring the performance of additional work, those children who through misconduct obtain bad marks.

A system of marks and of rewards to be established.

53. The Minister may, when and so often as is necessary, revoke or alter any rules or regulations made under sections 51 or 52.

Minister may revoke or alter rules.

54. All rules and regulations and revocations and alterations of rules or regulations made under section 51, 52 or 53 shall be three times published in the *Official Gazette* and when so published shall become law and be binding on all persons affected thereby.

Rules to be published in *Official Gazette* and to become law.

55. A copy of the rules and regulations of the Schools purporting to be made by the Minister and signed by him shall be evidence of such rules and regulations in all legal proceedings whatever.

Copy of rules signed to be evidence in all legal proceedings.

PART X

Miscellaneous

School attendance not compulsory in certain cases.

56. After any child has passed an examination of the fourth standard prescribed by the rules and regulations for public elementary schools such child may be employed at work during school hours in lieu of attending school.

Production of order, etc., to be sufficient evidence in respect of child sent to a School.

57. The production of the order, warrant or other document by or in pursuance of which a child is directed to be sent to a School, with a statement endorsed thereon or annexed thereto purporting to be signed by the Principal or other person in charge of the School, to the effect that the offender therein named was duly received into and is at the date of the signing thereof detained in the School or has been otherwise dealt with according to law, shall in all proceedings relating to such child be evidence of the identity of, and of the due making of the order for the detention of, and of the subsequent detention of, the child named in the order, warrant or other document so produced.

Proceedings under Act to be in writing and depositions signed.

58. In all proceedings taken before a magistrate under this Act, such proceedings and evidence shall be taken in writing, and the deposition of the witnesses shall be read over to and signed by them.

1998-15.

SCHEDULE

(Section 49(2))

Constitution of the Board

1. The Board shall consist of the Superintendent of Prisons or his nominee, a Magistrate and seven other members appointed by the Minister by instrument in writing.

2. (1) The members of the Board shall hold office for a period of 3 years but shall be eligible for reappointment.

(2) The Minister shall appoint a member of the Board as Chairman and another member as Deputy-Chairman.

(3) If a vacancy occurs in the office of the Chairman or Deputy-Chairman the Minister shall fill the vacancy as soon as possible from among the members of the Board.

3. A member may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith forward the instrument to the Minister, and upon the receipt by the Chairman of the instrument the member ceases to be a member of the Board.

4. (1) The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and the Chairman's resignation shall take effect upon the receipt of the instrument by the Minister.

(2) Where the Chairman ceases to be Chairman, he also ceases to be a member.

5. Notwithstanding any provision of these rules, members of the Board shall hold office until their successors hold their first meeting.

6. The first meeting of the Board shall be held at one of the Schools not later than one month after all the members of the Board have been appointed.

7. Five members of the Board constitute a quorum.

8. (1) The Board shall meet at least once a month at one of the Schools and at such other times and at such other places as the Board considers necessary or expedient for the transaction of the business of the Board.

(2) The Chairman may, at any time, call a meeting of the Board and must call a meeting within 14 days

(a) of a request for that purpose addressed to him in writing and signed by 3 members of the Board; or

(b) of a direction to that effect addressed to him in writing and signed by the Minister.

(3) The Chairman, or, in his absence, the Deputy-Chairman, must preside at meetings of the Board.

(4) In the absence of the Chairman or Deputy-Chairman, or in the event that the Chairman or Deputy-Chairman is unable to act, the members of the Board present and constituting a quorum must elect one of their members to preside at that meeting.

9. (1) Members of the Board shall pay frequent visits to the Schools and at least 2 members of the Board shall visit at least once every 2 weeks.

(2) Except at the request of the Board, during a visit neither the Principal nor the next senior member of staff shall accompany the members of the Board.

(3) Subject to paragraph (2), no person other than the Principal or his nominee may be permitted to accompany members of the Board.

10. Subject to these rules, the functions of the Board shall not be affected by any vacancy in the membership thereof.

11. The Board shall keep minutes of its proceedings and submit the minutes to the Minister within 2 weeks after each meeting.

12. The Board shall regulate its own procedure.