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INSTRUCTIONS.

... in any case of an irregular committal to an Industrial School, the Minister for Justice for the Government of Ireland is bound, on the facts coming before him, to order the discharge of the child forthwith. A careful compliance with the following instructions is therefore essential.

The following is a summary of the *only* grounds upon which a lawful Order of Detention can be made under Section 58 (1) and Section 133 (17) of the Children Act, 1908 (8 Edw. 7, c. 67) namely, in case of :-

- (a) A child found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise; or
- (b) A child found wandering, and not having any home; or
- (c) A child found wandering, and not having any settled place of abode; or
- (d) A child found wandering, and not having any visible means of subsistence; or (e) A child found wandering, and having no parent or guardian; or

(g) A child found wandering, and having a parent or guardian who does not exercise proper guardianship; or

(h) A child found destitute and being an orphan; or

(i) A child found destitute, not being an orphan, and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing penal servitude or imprisonment; or

(k) A child under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(l) A child who is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence under section four or section five of the Criminal Law Amendment Act, 1885, in respect of any of his daughters, whether legitimate or illegitimate; or

(m) A child who frequents the company of any reputed thief; or

(n) A child who frequents the company of any common or reputed prostitute; or (o) A child lodging or residing in a house or the part of a house used by any prostitute for the purpose of prostitution; or

(p) A child living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child.

... graph (n) above, if the only common or reputed prostitute whose company the child frequents is the mother of the child, and she exercises proper guardianship and due care to protect the child from contamination.

The following matters are further to be noted:-

(1.) Successive Law Officers have advised that a child receiving relief in a Workhouse is not found destitute.

(2.) The Detention Order under the Sections above referred to should give the date of birth as far as can be ascertained on the best evidence that can be procured, and should set forth the particular ground of those marked (a), (b), (c), etc., which is applicable to the case.

(3.) The Court of Summary Jurisdiction must be constituted in accordance with the provisions of section two hundred and forty-nine of the Public Health (Ireland) Act, 1878 (41 & 42 Vict. c. 52).

(4.) For other cases in which an Order for Detention can be made see the following :- Section 58, subsections 2, 3, 4, and 5 of the Children Act, 1908; Section 133 (20) of the Children Act, 1908; and

Section 5 (3) of the Employment of Children Act, 1903 (3 Ed. 7, c. 45)

The jurisdiction for making an Order of Detention must appear on the Order itself, and the form of Order should accordingly be adapted to the facts of each particular case, so as to show clearly the age of the child, the Statute and Section, and the grounds on which the Order was made. '

(5.) Where under Section 58 of the Children Act, 1908, a Court is empowered to order a child to be sent to a certified industrial school, the Court, in lieu of ordering him to be so sent, may, in accordance with the provisions of Part. II. of the Act, make an order for the committal of the child to the care of a relative or other fit person named by the Court, and the provision of that part shall, as far as applicable, apply as if the order were an order under