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CHAPTER 44

CHILDREN AND YOUNG PERSONS

An Act relating to Children and Young Persons.

(31ST DECEMBER, 1945)

- 1. This Act may be cited as the Children and Young Persons Act, and shall apply to Sierra Leone. **Short title.**

PART 1 - PRELIMINARY

2. In this Act, unless the context otherwise requires-

Interpretation.
“Governor” substituted by
“President” by Act 29/1972

‘approved school’ means a school established by the President under the provisions of section 31 or any place or institution declared to be an approved school under the provisions of that section;

child; means a person under the age of fourteen years;

guardians’ in relation to a child or young person includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over child or young person;

‘juvenile court’ means a magistrate’s court sitting as prescribed in sub section (1) and (2) of section 3 for the hearing and determination of cases relating to children or young persons and includes a juvenile court held by a magistrate and two or more justice of the peace by virtue of an order in council made under section 4.

19 of 1952.

‘probation officer’ means a person appointed as such under this ordinance and includes a deputy probation officer or assistant officer.

‘young person’ means a person who is fourteen years of age or upwards and under the age of seventeen years.

PART II – SPECIAL PROVISIONS AS TO PROCEDURE

3. (1). A magistrate’s court when hearing charges against children or young persons shall; if practicable, unless the child or young person is charged jointly with any other person not being a child or young person, sit in a different building or room from that in which the ordinary sittings of the court are held, or on different times from those at which the ordinary sittings are held.

Juvenile courts.

(2). If in the course of any proceedings in a magistrate’s court it appears to the court that the person charged or to whom the proceedings relate is under the age of seventeen years the court’s hall continue with the hearing and determination

of the case in accordance with the provisions of this ordinance, but nothing herein shall be deemed to make it necessary for such court to adjourn the case in order to comply with the provisions of this section, and a court so sitting shall be a juvenile court for the purposes of this Act.

(3).If in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of seventeen years or upwards the court shall proceed with the hearing and determination of the case in accordance with the provisions of the criminal procedure ordinance but nothing herein shall be deemed to make it necessary for such court to adjourn the case into the public court room unless the court considers it desirable so to do; and the court so constituted shall be a magistrate's court;

Cap 39.

Provided that where the juvenile court is being held by a magistrate and two or more Justices of the Peace in accordance with the provisions of an order made under section 4 the justices of the peace shall withdraw and the magistrate shall proceed with the hearing and determination of the case.

19 of 52.

(4).Provision shall be made for preventing persons apparently under the age of seventeen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of seventeen years is jointly charged or convicted.

(5).In a juvenile court no person other than the members and officers of the court, the relatives of the accused and the parties to the case, their advocates, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend:

Provided that bona fide representatives of a newspaper or news agency shall not be excluded except by special order of the court; provided further that no person shall publish the name, address, school, photograph or anything likely to lead to the identification of the child or young person before the juvenile court save with the permission of the court or in so far as required by the provisions of this Act. Any person who acts in contravention of the provisions of this proviso shall be guilty of an offence and

shall be liable, on summary conviction, to a fine not exceeding ten, pounds.

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| 4. | Notwithstanding the provisions of section 32 of the courts ordinance the President acting on the advise of Cabinet may by order provide that, in any judicial district specified therein, a juvenile court may subject to the directions of the Chief Justice, be held by a magistrate having Jurisdiction therein and two or more Justices of the Peace. | Special
juvenile court
Cap 7
19 of 1952
Amended by
Act.29/1972 |
| 5. | Where a person apparently under the age of seventeen years is apprehended with or without a warrant and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought shall- | Bail of
children
and young persons
arrested. |
| | (a) unless the charge is one of homicide or any offence punishable with imprisonment for a term exceeding seven year; or | |
| | (b) unless it is necessary in the interest of such person to remove him from association with any undesirable person; or | |
| | (c) unless the officer has reason to believe that the release of such a person would defeated the ends of justice, | |
| | release such person on a recognisance being entered into by him or by his parents or guardian, or other responsible person, with or without sureties for such amount as will in the opinion of the officer secure the attendance of such person upon hearing of the charge. | |
| 6. | It shall be the duty of the Commissioner of Police to make arrangements for preventing, so far as practicable, a child or young person while in custody, from associating with an adult, other than a relative charged with an offence. | Association with
adults whilst in
custody. |
| 7. | When a child or young person is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court. | Juvenile court
may dispose of
All cases other
than homicide |
| 8. | It shall be the duty of a juvenile court when hearing a charge against a child or young person to explain to him in simple language the substance of the alleged offence. | Charge to be
explained. |
| 9. | After explaining the substance of the alleged offence the court shall ask the child or young person what he has to say in | Accused to be
asked to show |

	explanation thereof and whether he admits the offence.	cause.
10.	If the statement made by the child or young person amounts to a plea of guilty the court shall record that the offence is proved.	Record of proof of evidence.
11.	If the child or young person does not admit the offence or if the Court does not accept the accused's statement as a plea of guilty the court shall then hear the evidence of the witnesses for the prosecution.	Hearing
12.	At the close of the evidence to each witness the court shall put to the witness such questions as appear to be necessary or desirable- either for the purpose of establishing the truth or otherwise of the facts alleged or to test the credibility of the witness.	Cross-examination of witnesses
13.	The accused may put questions to each witness produced against him, and the answer of the witness thereto shall be part of his evidence.	Accused may question prosecution witnesses.
14.	If the accused does not employ counsel, the court shall, at the close of the examination of each witness for the prosecution, ask the accused whether he wishes to put any questions to that witness.	Duty of court when accused is without counsel
15.	If after the prosecution witnesses have given their evidence the court is satisfied that the facts properly before it establish a prima facie case against the accused which if unanswered, would leave no reasonable doubt as to his guilt the court shall hear the witnesses for the defence and any further statement which the accused may wish to make in his defence.	Defence .
16.	If the child or young person admits the offence and the court accepts his plea or if after hearing the witnesses the court is satisfied that the offence is proved the court shall record that the offence is proved and shall then, except in cases where the circumstances are so trivial as not to justify such a procedure, obtain such information as to his character, antecedents, home life, occupation and health as may enable it to deal with the case in the best interest of the child or young person, and may put to him any question arising out of such information for the purpose of obtaining such information or for special medical or observation the court may from time to time remand the child or young person or may release him on bail.	Procedure upon proof of offence.
17.	Where a child or young person is charged with any offence the	Attendance at

court may in its discretion require the attendance of his parent or guardian and may make such orders as are necessary for the purpose.

court of parent of child or person with an offence.

18. (1)When a person is brought before any court otherwise than for the purpose of giving evidence and it appears to the court that he is a child or young person the court shall, having made such inquiry as it considers necessary, record a finding as to the age of such person.
- Determination of age.**

(2) No order or judgement of a juvenile court shall be invalidated by any subsequent proof that the person has not been correctly stated to the court, and the age found by the court to be age of the person brought before it shall, for the purposes of this Act, be deemed to be the true age of that person.

19. Where it appears to the Court that any person brought before it is of the age of seventeen years or upwards, that person shall for the purpose of this Act be deemed not to be a child or young person.
- Persons appearing to be of the age of Seventeen years or upwards**

PART III TREATMENT OF YOUNG OFFENDERS

20. (1)The President may, by notice in the Gazette, appoint a fit and proper person or persons of either sex, and either by name or as holding any public office for the time being, to be a probation officer or officers for each district, and may from time to time appoint a deputy probation officer for any district to act in the absence or during the illness or incapacity of the probation officer, and may appoint an assistant probation officer to perform under the direction of the probation officer all or any of the duties of a probation officer in any portion of a district.
- Appointment of probation officers.**

A probation officer when acting under a probation order shall be subject to the control of the courts for the district for which he is appointed.

(2)Where a child or young person is charged with an offence other than homicide, and the court is satisfied that the charge is proved, the court may make an order discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding three years, as may be specified in the order.

Probation orders.

A recognisance entered into under this section shall, if the court so

order,. contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order, such person being willing to undertake such supervision, and such other conditions for securing such supervision as may be specified in the order.

(3)The person named in any probation order shall be –

(a)a probation officer appointed by the President for the district or for which the court acts; or

(b) if the court considers it expedient on account of the place of residence of the offenders, or any special reason, a probation officer appointed by the President for some other district, or

(c) if the court considers that the special circumstances of the case render it desirable, or if no person has been appointed as a probation officer, a person who has not been appointed a probation officer for any district.

(4)The person named in such an order may at any time be relieved of his duties, and in any such case or in any case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognisance to appear for conviction or sentence.

(5)It shall be the duty of the probation officer, subject to the control of the Court-

(a) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or subject thereto as the probation officer may think fit;

(b) to see that he observes the conditions of his recognisance;

(c) to report to the court as to his behaviour; and

(d) to advise, assist and befriend him and when necessary to endeavour to find him employment.

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| 21 | The court before which any person is bound by this Act to appear to be further dealt with may, after notice to the offender, vary the conditions of the recognisance and may, on being satisfied that the conduct of the person has been such as to make it necessary that he should remain longer under supervision, discharge the recognizance. | Power to vary conditions of release |
| 22. | (1) If the court before which an offender is bound by recognisance to appear to be further dealt with, or any court, is satisfied by | Provision in case of offender |

information on oath that the offender has failed to observe any of the conditions of the recognisance, it may issue a warrant for his apprehension, or may if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.

**failing to
observe
conditions of
release.**

(2) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by recognizance to appear to be further dealt with, be brought before any other magistrate's court

(3) The court before which an offender on apprehension is brought or before which he appears in pursuance of such summons as aforesaid may, if it is not the court before which he is bound by recognisance to appear to be further dealt with, remand him to custody or on bail until he can be brought before the last-mentioned court.

(4) A court, before which a person is bound by recognisance to appear to be further dealt with, on being satisfied that he has failed to observe any condition of the recognisance, may forthwith dealt with him as for the original offence.

23. (1) Where a child or young person has been found guilty of an offence for the commission of which a fine, compensation or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, compensation or costs, whether with or without any other punishment, the court may in any case and shall if the offender is a child, order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.
- Power to order
parent to pay
fine
instead of
child
or young
person.**
- (2) An order under this section may be made against a parent or guardian who, having been required to attend has failed to do so, but no such order shall be made without giving the parent or guardian an opportunity of being heard.
- (3) Any sums imposed and ordered to be paid by a parent or guardian under this section may be recovered from him by distress.
- (4) A parent or guardian may appeal against an order under this section to the High Court.

24. (1) No child shall be sentenced to imprisonment. **Imprisonment**
- (2) No young person shall be sentenced to imprisonment unless the court considers that none of the other methods in which the case may be legally dealt with the provisions of this or any other Act is suitable.
- (3) A young person sentenced to imprisonment shall, so far as circumstance permit, not be allowed to associate with adult prisoners.
25. Where a child or young person is charged with any offence other than homicide or other than an offence punishable with imprisonment for a term exceeding seven years, and the court is satisfied that the offence is proved, the court, may, in addition or alternatively to any order which may be made, under this Act in its discretion either-
- (a) discharge the child or young person without making any order;
- (b) order the child or young person to be repatriated at the expense of Government to his home or district or origin; or
- (c) order the child or young person to be handed over to the care of a fit person or institution named in the order, such person or institution being ready to undertake such care. **Alternative punishment in in certain cases.**
26. (1)Where a child or young person is charged with an offence punishable, in the case of an adult, with imprisonment and the court is satisfied that the offence is proved, the court may order that he be committed to custody of an approved school until he attains the age of eighteen years or for any shorter period. **When approved school order may be made**
- Provided that no person shall be committed to an approved school for a shorter period than two years, unless at the time of the order the young person is over the age of sixteen years in which case the order for committal shall be for the period until such person attain the age of eighteen years.
- (2)An order made under this Section is in the Act referred to as an approved school order.

PART IV - CHILDREN AND YOUNG PERSON IN NEED OF CARE AND PROTECTION

- 27 (1) Any administrative officer, police officer above the rank of sub inspector or authorized person may **Power of juvenile court in respect of children in need of protection**

bring before a juvenile court any child or young person who-

22 of 1949

(a) is found begging or receiving alms (whether or not there is any pretence of singing, , performing offering anything for sale or otherwise), or being in any street, premises or place for the purpose of so begging or receiving alms; or

(b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship; or

(c) is either falling into bad association, or exposed to moral danger, or beyond control; or

(d) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child or young person, his mother, undergoing imprisonment; or

(e) is under the care of a parent or guardian of criminal or drunken habit; or

(f) frequents the company of any reputed thief or common or reputed prostitute; or

(g) is being persistently ill-treated or neglected by his parent's or guardian; or

(h) is lodging or residing in a house or that of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstance calculated to cause, encourage or favour the seduction or prostitution of the child or young person.

And the court before which a person is brought as coming within one of those description, if satisfied on enquiry of that fact, may either-

(i) order him to be sent to an approved school ; or

(ii) commit him to the care of any fit person, whether a relative or not, or any institution willing to undertake the care of him until the child or young person attains the age of 18 years or for any shorter period.

Provided that the Court may at any time on the application of the person or institution to whose care any female child or young person is committed under this section, and with the consent of such child or young person, extend the period for which she was so committed until she attain the age of 21 years; or

(iii) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship: or

(iv) without making any other, or in addition to making an order either of the last two foregoing paragraphs make an order placing him for a specified period, not exceeding

three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) For the purpose of this section the expression “authorised” person means a probation officer or any other person authorized by the governor to institute proceedings under this section.

28. Where the parent or guardian of a child or young person privies to a juvenile court that he is unable to control the child or young person, the court, if satisfied.
- Power of parents or Guardian to bring child or young person before juvenile court**

(a) That it is expedient so to deal with the child or young person, and

(b) that the parent or guardian understands the results which will follow from and consents to the making of the order, may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years under the supervision of a probation officer, or of some other person appointed for the purpose by the court, or (without making any other or in addition to making such order as in last mentioned) may commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him.

22 of 1949.

29. The following provisions shall apply in respect of the preceding two sections
- Conditions of orders made under sections 27 and 28.**

(1) An order for committal to an approved school shall be an approved school order and shall, whilst the order is in force, have the like control over him as the parent, and shall be responsible for his maintenance, and he shall continue in the care of such person or institution, notwithstanding that he is claimed by his parent or any other person and if any person.

22 of 1949.

(2) Every order shall be in writing.

(3) Any person or institution to whose care a child or young person is committed shall, whilst the order is in force, have the like control over him as the parent, and shall be responsible for his maintenance, and he shall continue in the care of such person or institution, notwithstanding that he is claimed by his parent or any other person and if any person-

(a) knowingly assists or induces directly or indirectly, a person in respect

of whom an order has been made to escape from the person or institution of whose care he is committed; or

(b) knowingly harbours, conceals or prevents from returning to such person or institution, a person in respect of whom an order has been made who

has so escape, or knowingly assists in so doing, he shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for three months or both such fine and imprisonment.

(4) The President may at any time discharge a child or young person from the cares of any person or institution to whose care he has been committed by a court, either absolutely or on such conditions as the President approves, and he may, if he thinks fit, make rules in relation to children or young persons so committed to the care of any person or institution, and to the duties and remunerations of such persons or institution with respect to such children or young persons.

30. (1) Any court having power to commit a child or young person to an institution, fit person or approval school shall have power to make orders on the parent or guardian or other person liable to maintain the child or young person to contribute to his maintenance during the period 22 of 1949 of committal such sums as the court shall think fit and may from time to time vary such orders. Such orders shall be known as contribution order.

**Contribution
orders.**

(2) A contribution order may be made on the application of the person or institution to whose care the child or young person is for the time being committed or, in the case of an approved school on the application of the manager thereof, and either at the time when the order for the committal of the child or young person is made or subsequently, and the sums contributed by the person on whom the contribution order was made shall be paid to such person or institution as the court may name or to the manager of the approved school, as the case may be, and applied for the maintenance of the child or young person;

(3) In default of payment of any sum due under a contribution order, the person or institution or the manager of the approved school, as the case may be, in whose favour the contribution order was made may sue for the same as a civil debt owing to him by the person on whom such order was made.

(4) A person on whom a contribution order has been made under this section shall give notice of any change of address, to the person or institution or the manager of the approved school, as the case may

be , in whose favour the contribution order was made, and if he fails to do so without reasonable excuse he shall be liable to a fine not exceeding ten pounds.

PART – V – APPROVED SCHOOL

31. (1) The President may establish schools or may declare any school or institution to be an approved school for the purposes of this Act. **Approved School.**
- (2) The President may appoint a fit and proper person or persons to be the manager or managers of any approved school under this section.
32. (1) An approved school order shall specify- **Approved school order**
- (a) the school to which the child or young person is to be sent; and
- (b) the person who is to be responsible for conveying him to such school
- (2) Every such order shall contain such information as is in the opinion of the court material to be known by the manager of such school.
- (1) A certified copy of every such order shall be delivered to the person responsible for conveying the child or young person to the school and shall be delivered by him to the manager thereof.
- (2) Such order shall be sufficient authority for the detention of the child or young person in such school according to the tenor thereof.
33. The operation of an approved school order may be suspended pending completion of arrangements for the reception of the child or young person **Approved school order**
- into an approved school, or on account of his ill-health or for other good and sufficient reason, and in such a case the court may remand him in custody or may order him to be committed to the care of some fit and proper person willing to undertake such custody, or may release him on bail. **may not come into immediate operation.**
34. (1) A child or young person whilst detained in an approved school in accordance with the provisions of this Act and whilst being conveyed to or from such school shall be deemed to be in legal custody and if he escape may be apprehended without warrant and brought back thereto. **Authority for detention.**
- (2) Any person who knowingly assists or induces a child or young person to escape from an approved school or knowingly harbours or conceals a

child or young person who has so escaped, or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty-five pounds or to imprisonment for three months or to both such fine and imprisonment.

35. If the manager of an approved school is satisfied that a person whose period of detention therein is about to expire needs further care or training he may, with the approval of the President, detain him for a further period not exceeding one year, so, however, that he is not detained beyond the date upon which he attains the age of eighteen years. **Extension of period of detention**
36. (1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the manager of his school until he attains the age of eighteen years. **Supervision and recall after expiration of order 12 of 1947.**
- (2) (a) If the manager of a school is satisfied that it is in the best interest of the person under supervision as aforesaid that the said person should be recalled to the school, the manager shall make application to the court for an order authorising him to recall such person to the school.
- (b) Notice of any application as aforesaid shall be served on the person whom it is intended to recall and on the parent or guardian of such person to give him and the parent or guardian as the case may be an opportunity of being present at the hearing thereof.
- (c) If, after hearing the manager of the school, and after hearing what, if anything, the person in respect of whom the order is sought and his parent or guardian have to say, the magistrate is of the opinion that it is in the best interest of the said person that he should be recalled, the magistrate shall make an order accordingly, authorising the manager to recall such person to the school, and the manager may thereupon recall to the school forthwith such person.
- (d) If any person in respect of whom an order has been made as aforesaid shall without lawful excuse fail to obey any such order, he may be apprehended without warrant and taken to the school.
- (3) A person who has been so recalled shall be released as soon as the manager thinks that he can properly be released and in no case shall he be detained after he has attained the age of eighteen years.
- (37) If the manager of an approved school is satisfied that any person committed to the school is of so unruly or depraved a character that it is undesirable that he should remain at such school, he may **Power of manager to bring**

cause such person to be brought before a magistrate's court having jurisdiction in the place where the school is situated or before the court which made the approved school order, and such court may in respect of such person make any order which could have been legally made by the committing court under the provisions of this Act.

- (38) The Manager of an approved school may-
- Discharge transfer
and release from
Approved school
- (a) with the approval of the Governor order any child or young person to be removed from one approved school to another.
 - (b) order any child or young person to be release from an approved school on condition hat such child or young person shall live under the charge of any trustworthy and respectable person named in the order of release willing to receive and take charge of him and to keep such child or young person employed at some trade, occupation or calling.

PART VI – REMAND HOMES

- (39) (1) The President may by Order establish a remand home in respect of any area which shall be specified in the order and any remand home so established may be situate either within or without the area for which it is established.
- Establishment
of remand
homes
22 of 1949.
- (2) The President may with the consent of the authority or person responsible for the management of any institution other than a prison establish a remand home is situated.
 - (3) A child or young person who may lawfully be remanded in custody to any place situated within the area for which a remand home has been established may be so remanded to the remand home for such area wherever such home is in such institution as any part thereof.

- (40) (1) The order or judgement in pursuance of which a child young person is committed to custody in a remand home shall be delivered with the child or young person to the person –in charge of the home and shall be sufficient authority for his detention in the home in accordance with the tenor thereof.
- Provisions
as to
custody
of children
and young
persons in
remand home
22 of 1949

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) The President shall cause remand homes to be inspected, and may by

Order make rules as to the running and management of remand homes, and as to their inspection, and as to the classification, treatment, employment, and control of children and young persons detained in custody in remand homes, and for the children and young person while so detained being visited from time to time by persons appointed in accordance with those rules.

- (4) A child or young person who escape from a remand home may be apprehended without warrant and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape, or knowingly harbours or conceals a child or young person who has so escaped, or prevent him from returning, shall on summary conviction be liable to a fine not exceeding twenty-five pounds or to imprisonment for three months or to both such fine and imprisonment.

PART VII – APPEALS

- (41) **Time for appeals**
Every appeal against an order or sentence made a passed by a juvenile court under the provisions of this Act shall be entered within seven days of the date of the order or sentence appealed against. Provided that the High Court may for good cause admit an appeal out of time.

PART VII1 - GENERAL

- (42) **Powers to make rules**
The President on the advise of Cabinet may make rules for carrying this Act into effect, and in particular for prescribing such matters relating to management control, discipline and interior economy of approved schools as may appear necessary.
- (43) **Saving**
Save in so far as other provision is expressly made in this Act nothing in the Act shall be deemed to affect any other law relating to the trial and punishment of offenders.