CHAPTER lxxxvii.

An Act to amend "The Middlesex Industrial Schools Act, 1854." [29th June 1875.]

A.D. 1875.

WHEREAS, under the provisions of an Act passed in the 17th and 18th years of the reign of Her present Majesty, cap. clxix., intituled "An Act for the provision, regulation, and maintenance of County Industrial Schools in Middlesex," a school, known as the "Middlesex County Industrial School," was established and has been maintained at Feltham, in the county of Middlesex, and such school has since been certified as an industrial school, under the provisions of the Industrial Schools Act, 1866, and many children have been from time to time sent to, and have been or are now detained in, the said school, under the provisions of the last-mentioned Act, and large sums of money have been from time to time raised and expended out of or on the security of the county rates for the said county for or towards the maintenance or otherwise on account as well of the children so sent and detained as aforesaid as of juvenile offenders detained under the provisions of the said Act of the 17th and 18th Vict. cap. clxix., and superannuation allowances have been granted and paid under the last-mentioned Act to officers and servants of the said school for services rendered as well in respect of the children so sent and detained as of such juvenile offenders: 17 & 18 Vict. c. clxix.

And whereas doubts are entertained whether such sums of money as aforesaid have been duly raised and expended out of or on the security of the county rates for the said county for or towards the maintenance or otherwise on account of children sent to or detained in the said school under the provisions of the Industrial Schools Act, 1866, and whether such superannuation allowances as aforesaid have been duly granted and paid:

And whereas it is expedient to put an end to such doubts, and to amend and extend the provisions of the said Act of the 17th and 18th Vict. cap. clxix.:

May it therefore please Your Majesty that it be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the

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advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Construction of Act.

1. This Act shall be construed as one with so much as is left hereby unrepealed of the said Act of the 17th and 18th Victoria, cap. clxix., and the last-mentioned Act and this Act may be cited respectively as "The Middlesex Industrial Schools Act, 1854," and "The Middlesex Industrial Schools Act, 1875," and may be cited together as "The Middlesex Industrial Schools Acts."

Short titles.

Definition of juvenile offender.

2. So much of section 1 of "The Middlesex Industrial Schools Act, 1854," as defines the meaning of juvenile offender is hereby repealed, and in lieu thereof be it enacted, that, for the purposes of the Middlesex Industrial Schools Acts, "juvenile offender" shall mean any child apparently above the age of ten and not above the age of fourteen, who is convicted of any offence committed in the county of Middlesex, such conviction being before any judge or any sessions of the peace for the trial of felonies and misdemeanors, or by a metropolitan police magistrate, or by two or more justices of the peace in petty sessions assembled.

Repeal of section 35 of Middlesex Industrial Schools Act, 1854.

3. The thirty-fifth section of the Middlesex Industrial Schools Act, 1854, is hereby repealed, and in place thereof be it enacted as follows: The judge or sessions before whom, and the police magistrate or justices in petty sessions assembled by whom, a juvenile offender is convicted, may, at his or their discretion, instead of sentencing such offender to any punishment to which he would be liable, sentence him to be detained in an industrial school within the meaning of the Middlesex Industrial Schools Acts, the general rules for the government of which have been approved by one of Her Majesty's Principal Secretaries of State, for any term not less than two or more than five years: Provided that no juvenile offender shall be detained beyond the time when he attains sixteen years of age.

Modification of Middlesex Industrial Schools Act, 1854.

4. The Middlesex Industrial Schools Act, 1854, shall be modified as follows; viz., the same shall be read and have effect as if

The Prison Act, 1865, were referred to in section 31 in place of the Act of the 4th and 5th William the 4th, chapter 24;

The words "three months" were contained in section 33 in place of the word "month";

The word "February" were contained in section 34 in place of the word "March";

The word "superintendent" were contained in sections 32 and 39 in place of the word "clerk."

Repeal or modification not to affect the past.

5. No repeal or modification hereby made of any enactment in "The Middlesex Industrial Schools Act, 1854," contained shall affect—

(*a.*) Anything duly done or suffered under any enactment hereby repealed or modified, or the carrying out, after the passing of this Act, of any sentence duly awarded before the passing thereof, or the power to obtain any order of maintenance in respect to any person sentenced before the passing of this Act, or the proof of any past act or thing;

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed or modified;

(*c.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, or liability as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

Payments, &c. made on account of Feltham School to be valid.

6. All payments, rates, moneys, superannuations or allowances, acts or things made, levied, borrowed, granted, suffered, or done, or which purported to be made, levied, borrowed, granted, suffered, or done to, for, on behalf of, or in respect of the said school at Feltham, under the provisions of the Middlesex Industrial Schools Act, 1854, shall, notwithstanding that the same may have been wholly or partly made, levied, borrowed, granted, suffered, or done to, for, on behalf of, or in respect of the said school, as a certified industrial school, be valid and effectual to all intents and purposes whatsoever.

Children detained under the Industrial Schools Act, 1866, provided for after the period of detention has expired.

7. It shall be lawful for the committee of visitors of any industrial school within the meaning of the Middlesex Industrial Schools Acts which has been certified as an industrial school, if they shall think fit, on the expiration of the period for which any child shall have been ordered to be detained therein under the Industrial Schools Act, 1866, to pay on account and for the benefit of, but not to such child, any sum not exceeding five pounds, such sum to be expended in clothing or tools, or in any other way which shall seem to such committee desirable, with a view to enable such child to obtain an honest livelihood, and such sum shall be paid out of the rates for the county of Middlesex.

Extension of powers of levying and applying rates and borrowing moneys.

8. The powers of the justices of the county of Middlesex, under the Middlesex Industrial Schools Act, 1854, to order payment out of the county rates for the said county, and to levy county rates for the said county for the payment of moneys, costs, and expenses required or payable for any of the purposes of the said Act, and to borrow moneys on mortgage of the county rates,

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shall extend to all moneys, costs, and expenses required or payable for or towards the maintenance or otherwise on account of children detained under the provisions of the Industrial Schools Act, 1866, in any industrial school established or to be established under the Middlesex Industrial Schools Acts, or by way of superannuation allowance for services rendered in respect of such children.

Power to license juvenile offenders to live out of school and to apprentice them.

9. The committee of visitors may, at any time after the expiration of eighteen months of the period of detention to which a juvenile offender has been sentenced, by a license under their hands, permit him to live with any trustworthy and respectable person named in the license, and willing to receive and take charge of him :

Any license so granted shall not be in force for more than three months, but may, at any time before the expiration of those three months, be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of detention to which the juvenile offender has been sentenced has expired.

Any such license may also be revoked at any time by the committee of visitors by writing under their hands, and thereupon the juvenile offender to whom the license related may be required by them, by writing under their hands, to return to the school.

The time during which a juvenile offender is absent from the school in pursuance of the license shall, except where such license has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the license he shall be taken back to the school.

A juvenile offender escaping from the person with whom he is placed under the license, or refusing to return to the school on the revocation of his license, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

The committee of visitors may at any time after a juvenile offender has been placed out on a license as aforesaid, if he conducted himself well during his absence from the school, bind him with his own consent apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired, and every such binding shall be valid and effectual to all intents.

Certain provisions of the general law not to apply.

10. Sections 12 and 50 of the Industrial Schools Act, 1866, the Industrial Schools Act, 1872, and the Prison Authorities Act, 1874, shall not apply to industrial schools within the provisions of the Middlesex Industrial Schools Acts: Nothing in this section contained shall deprive a school board of the power to contribute in manner provided by section 27 of the Elementary Education Act, 1870, towards any industrial school within the meaning of the Middlesex Industrial Schools Acts, which is also a certified industrial school.

Mode of reckoning service for superannuation.

11. For the purposes of any superannuation allowance to be granted to any person under the provisions of the Middlesex Industrial Schools Acts, the period of service of such person shall be reckoned from and inclusively of the day of the date of his or her first appointment under the said Acts, and whether his or her services have been rendered in respect of children detained under the Industrial Schools Act, 1866, or under the Middlesex Industrial Schools Acts.

Rights of mortgagees not to be affected.

12. Nothing herein contained shall affect the rights or remedies of mortgagees, their heirs, executors, administrators, or assigns, claiming in respect of any mortgage already executed under the provisions of "The Middlesex Industrial Schools Act, 1854."

Expenses of Act.

13. All expenses preliminary to, or of or incidental to the preparing, applying for, and obtaining this Act shall be paid out of the county rates made or to be made for the said county.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1875.