Abolition of cumulative commissions on money orders. 43 & 44 Vict. c. 33.

1. The commission payable in respect of a money order issued under the Post Office (Money Orders) Act, 1880, as amended by any subsequent Act, and presented for payment at any time after the expiration of three months from the last day of the month of issue, shall in all cases be an amount equal to that of the original poundage, and accordingly proviso (3) to section one of the Post Office (Money Orders) Act, 1880, shall be repealed from "with the addition" to the end of the proviso.

Use of embossed stamps.

2. The Treasury may by warrant under the Post Office Acts, 1837 to 1903, regulate the use, by way of prepayment of postage, of embossed or impressed stamps cut out or otherwise separated from the cover or other paper, card, or thing on which the stamp was embossed or impressed, and section nineteen of the Post Office Act, 1870, which prohibits such use of such stamps, shall be repealed.

33 & 34 Vict. c. 79.

Short title.

3. This Act may be cited as the Post Office Act, 1904, and may be cited with the Post Office Acts, 1837 to 1903, and so far as it relates to money orders may also be cited with the Post Office (Money Orders) Acts, 1848 to 1903.

CHAPTER 15.

An Act to amend the Law relating to the Prevention of Cruelty to Children. [15th August 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the 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:

Cruelty to Children.

Punishment for cruelty to children.

1.—(1) If any person over the age of sixteen years, who has the custody, charge or care of any child under the age of sixteen years, wilfully assaults, ill-treats, neglects, abandons or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or injury to its health (including injury to or loss of sight or hearing or limb or organ of the body and any mental derangement), that person shall be guilty of a misdemeanor; and

(*a*) on conviction on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding two years; and

(*b*) on summary conviction, shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding the death of the child in respect of whom the offence is committed.

(3) Upon the trial of any person over the age of sixteen indicted for the manslaughter of a child under the age of sixteen, of which he has had the custody, charge or care, it shall be lawful for the jury, if they are satisfied that the accused has been guilty of an offence under this section in respect of such child, to find the accused guilty of such offence.

(4) If it is proved that a person indicted under this section was directly or indirectly interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court, in its discretion, may—

(*a*) increase the amount of the fine under this section so that the fine does not exceed two hundred pounds; or

(*b*) in lieu of awarding any other penalty under this section, sentence the person indicted to penal servitude for any term not exceeding five years.

(5) A person shall be deemed to be directly or indirectly interested in a sum of money under this section if he has any share in or any benefit from the payment of that money, though he is not a person to whom it is legally payable.

(6) A copy of a policy of insurance, certified by an officer or agent of the insurance company granting the policy to be a true copy, shall, in any proceedings under this Act, be primâ facie evidence that the child therein stated to be insured has been in fact so insured, and that the person in whose favour the said policy has been granted is the person to whom the money thereby insured is legally payable.

(7) An offence under this section is in this Act referred to as an offence of cruelty.

Restrictions on Employment of Children.

Restrictions on employment of children.

2. If any person—

(*a*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge or care of any such child, allows that child to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(*b*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge or care of any such child, allows that child to be in any street or in any premises licensed for the sale of

any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m.; or

(*c*) causes or procures any child under the age of eleven years, or, having the custody, charge or care of any such child, allows that child to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale; or

(*d*) causes or procures any child under the age of sixteen years, or, having the custody, charge or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months:

Provided that—

(i) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii) Any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in paragraph (*b*) of this section, either on every day or on any specified day or days of the week and either as to the whole of their district or as to any specified area therein; and

(iii) Paragraphs (*c*) and (*d*) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends.

3.—(1) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act or in the Employment of Children Act, 1903, or any byelaw made thereunder, grant a licence, for such time and during such hours of the day and subject to such restrictions and conditions as the court or board think fit, for any child exceeding ten years of age— Licences for employment of children. 3 Edw. 7. c. 45.

(*a*) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(*b*) to be trained as aforesaid; or

(*c*) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2) It shall be the duty of inspectors and other officers charged with the execution of the Employment of Children Act, 1903, to see whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector or officer shall have the same power to enter, inspect and examine any place of public entertainment, at which the employment of a child is for the time being licensed under this section, as an inspector appointed under the Factory and Workshop Act, 1901, has to enter, inspect and examine a factory or workshop under section one hundred and nineteen of that Act, and that section shall apply accordingly. 1 Edw. 7. c. 22.

(3) Where any person applies for a licence under this section, he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4) Where a licence is granted under this section to any person, that person shall forthwith cause a copy thereof to be sent to the local authority for the district in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable on summary conviction to a fine not exceeding five pounds.

(5) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878, as amended by any later enactment. 39 & 40 Vict. c. 79. 41 & 42 Vict. c. 78.

Arrest of Offender and Provision for Safety of Children.

Power to take offenders into custody.

4. — (1) Any constable may take into custody, without warrant, any person—

(*a*) who within view of such constable commits an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(*b*) who has committed, or who he has reason to believe has committed, any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable.

(2) Where a constable arrests any person without warrant in pursuance of this section, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

Detention of child in place of safety.

5.—(1) A constable, or any person authorised by a justice of the peace, may take to a place of safety any child in respect of whom an offence under paragraph (*a*) of section two of this Act has been committed, or in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, has been, or there is reason to believe has been, committed.

(2) A child so taken to a place of safety, and also any child under the age of sixteen years who seeks refuge in a place of safety, may there be detained until it can be brought before a court of summary jurisdiction, and that court may make such order as is mentioned in the next following subsection, or may cause the child to be dealt with as circumstances may admit and require, until the charge made against any person in respect of any offence as aforesaid with regard to the child has been determined by the conviction or discharge of such person.

(3) Where it appears to a court of summary jurisdiction or any justice that an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, has been committed in the case of any child that is brought before such court or justice, and that it is expedient in the interests of the child that an order should be made under this subsection, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care and detention of the child, until a reasonable time has elapsed for a charge to be made against some person for having committed the offence, and, if a charge is made against any person within

that time, until the charge has been determined by the conviction or discharge of that person, and in case of conviction for such further time not exceeding twenty-one days as the court may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child.

(4) Boards of guardians and, in Scotland, parish councils shall provide for the reception of children brought to a workhouse in pursuance of this Act, and, where the place of safety to which a constable or any person authorised by a justice of the peace takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation therein for the same, and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.

Disposal of child by order of court.

6.—(1) Where a person having the custody, charge or care of a child under the age of sixteen years has been—

(*a*) convicted of committing in respect of such child an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act; or

(*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child,

by any court, that court, either at the time when the person is so convicted, committed for trial or bound over, and without requiring any new proceedings to be instituted for the purpose, or at any other time, and also any petty sessional court before which any person may bring the case, may, if satisfied on inquiry that it is expedient so to deal with the child, order that the child be taken out of the custody, charge or care of the person so convicted, committed for trial or bound over, and be committed to the custody of a relation of the child, or some other fit person, including any society or body corporate established for the reception of poor children or the prevention of cruelty to children, named by the court (such relation or other person being willing to undertake such custody), until it attains the age of sixteen years, or for any shorter period, and may of its own motion, or on the application of any person, from time to time by order renew, vary and revoke any such order; but no order shall be made under this section unless a parent of the child has been convicted of or committed for trial for the offence, or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(2) Every order under this section shall be in writing, and any such order may be made by the court in the absence of the child; and the consent of any person to undertake the custody of a child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind him.

(3) Where an order is made under this section in respect of a person who has been committed for trial, then, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the order shall forthwith be void, except with regard to anything that may have been lawfully done under it.

(4) A Secretary of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland, may at any time in his discretion discharge a child from the custody of any person to whose custody it is committed in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary or Lord Lieutenant approves, and may, if he thinks fit, make rules in relation to children so committed to the custody of any person and to the duties of such persons with respect to such children.

(5) A Secretary of State, in any case where it appears to him to be for the benefit of a child who has been committed to the custody of any person in pursuance of this section, may empower such person to procure the emigration of the child, but, except with such authority, no person to whose custody a child is so committed shall procure its emigration.

Maintenance of child when committed to custody of any person under order of court.

7.—(1) Any person to whose custody a child is committed under this Act shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue in the custody of such person, notwithstanding that it is claimed by its parent.

(2) Any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts; but the limit on the amount of the weekly sum which the parent of a child may be required, under this section, to contribute to its maintenance shall be one pound a week, instead of the limit fixed by the Industrial Schools Acts.

(3) Any such order may be made on the complaint or application of the person to whose custody the child is for the time being committed, and either at the time when the order for the child's committal to custody is made or subsequently, and the sums contributed by the parent shall be paid to such person as the court may name and be applied for the maintenance of the child.

(4) If a person fails to pay any sum payable by him in pursuance of any such order, he may be dealt with in like manner as if the sum were due from him in pursuance of an order under the Bastardy Law Amendment Act, 1872, or, in Scotland, were a sum decerned for aliment, or, in Ireland, were a sum ordered to be paid by him under the Summary Jurisdiction (Ireland) Acts.

35 & 36 Vict. c. 65.

(5) Where an order under this Act to commit a child to the custody of some relation or other person is made in respect of a person who has been committed for trial for an offence, the court shall not have power to order the parent of the child to contribute to its maintenance prior to the trial of that person.

(6) Any court making an order under this section for contribution by a parent may, in any case where there is any pension or income payable to such parent and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, further order that such part, as the

court may see fit, of the pension or income be attached and be paid to the person named by the court. Such further order shall be an authority to the person, authority or body, by whom such pension or other income is payable, to make the payment herein stated, and the receipt of the payee shall be a good discharge to such person, authority or body.

(7) An order under this section may be made by any court before which a person is charged with an offence under this Act and without regard to the place in which the person to whom it is made payable may reside.

Religious persuasion of person to whom child is committed.

8.—(1) In determining on the person to whose custody the child shall be committed under this Act, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, or a person who gives such undertaking as seems to the court sufficient that the child shall be brought up in accordance with its own religious persuasion, and such religious persuasion shall be specified in the order.

(2) In any case where the child has been placed, pursuant to any such order, with a person who is not of the same religious persuasion as that to which the child belongs, or who has not given such undertaking as aforesaid, the court shall, on the application of any person in that behalf, and on its appearing that a fit person, who is of the same religious persuasion, or who will give such undertaking as aforesaid, is willing to undertake the custody, make an order to secure his being placed with a person who either is of the same religious persuasion or gives such undertaking as aforesaid.

(3) Where a child has been placed with a person who gives such undertaking as aforesaid and the undertaking is not observed, the child shall be deemed to have been placed with a person not of the same religious persuasion as that to which the child belongs, as if no such undertaking had been given.

Interchange of powers under Industrial Schools Acts and this Act.

9.—(1) Where any child under the age of sixteen years is brought before a petty sessional court under circumstances authorising the court to deal with the child under the Industrial Schools Acts, the court, if it thinks fit, in lieu of ordering that the child be sent to an industrial school, may make an order for the committal of the child to the custody of a relation or person named by the court, and the provisions of section six of this Act shall, so far as applicable, apply as if the order were an order under that section.

(2) Where a court orders a child to be sent to an industrial school, the order may, at the discretion of the court, be made to take effect either immediately or at any later time specified therein, regard being had to the age or health of the child; and, if the order is not made to take effect immediately, or if at the time specified for the order to take effect the child is deemed unfit to be sent to an industrial school, the court may commit the child to the custody of a relation or person named by the court, as provided by this Act, until the time so specified or the time when the order actually takes effect.

Warrant to search for or remove a child.

10.—(1) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is bonâ fide acting in the interests of a child under the age of sixteen years, that there is reasonable cause to suspect that such a child has been or is being assaulted, ill-treated or neglected in any place within the jurisdiction of such magistrate or justices, in a manner likely to cause the child unnecessary suffering or to be injurious to its health, or that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of such a child, such magistrate or justices may issue a warrant authorising any person named therein to search for such child and, if it is found to have been or to be assaulted, ill-treated or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of the child, to take it to and detain it in a place of safety, until it can be brought before a court of summary jurisdiction, or authorising any person to remove the child with or without search to a place of safety and detain it there until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section five of this Act:

Provided that—

(*a*) the powers hereinbefore conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency; and

(*b*) in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff substitute.

(2) Any person issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice and proceedings to be taken for punishing such person according to law.

(3) Any person authorised by warrant under this section to search for any child, or to remove any child with or without search, may enter (if need be by force) any house, building or other place specified in the warrant and may remove the child therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by some superintendent, inspector or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the persons by whom the warrant is issued otherwise direct, and may also, if the persons by whom the warrant is issued so direct, be accompanied by a registered medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child.

Power as to Habitual Drunkards.

Power as to habitual drunkards.

11. Where it appears to the court by or before which any person is convicted of the offence of cruelty within the meaning of

this Act, or of any of the offences mentioned in the First Schedule to this Act, that that person is a parent of the child in respect of whom the offence was committed, or is living with the parent of the child, and is an habitual drunkard within the meaning of the Inebriates Acts, 1879 and 1888, the court, in lieu of sentencing such person to imprisonment, may, if it thinks fit, make an order for his detention for any period named in the order, not exceeding twelve months, in a retreat under the said Acts, the licensee of which is willing to receive him, and the said order shall have the like effect, and copies thereof shall be sent to the local authority and Secretary of State in like manner, as if it were an application duly made by such person and duly attested by two justices under the said Acts; and the court may order an officer of the court or constable to remove such person to the retreat, and on his reception the said Acts shall have effect as if he had been admitted in pursuance of an application so made and attested as aforesaid: Provided that— 42 & 43 Vict. c. 19. 51 & 52 Vict. c. 19.

(*a*) an order for the detention of a person in a retreat shall not be made under this section unless that person, having had such notice as the court deems sufficient of the intention to allege habitual drunkenness, consents to the order being made; and

(*b*) if the wife or husband of such person, being present at the hearing of the charge, objects to the order being made, the court shall, before making the order, take into consideration any representation made to it by the wife or husband; and

(*c*) before making the order the court shall, to such extent as it may deem reasonably sufficient, be satisfied that provision will be made for defraying the expenses of such person during detention in a retreat.

Evidence and Procedure.

12. In any proceeding against any person for an offence under this Act, or for any of the offences mentioned in the First Schedule to this Act, such person shall be competent but not compellable to give evidence, and the wife or husband of such person may be requreid to attend to give evidence as an ordinary witness in the case and shall be competent but not compellable to give evidence. Evidence of accused person.

13.—(1) Where a justice is satisfied by the evidence of a registered medical practitioner that the attendance before a court of any child, in respect of whom an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, is alleged to have been committed, would involve serious danger to its life or health, the justice may take in writing the deposition of such child on oath, and shall thereupon subscribe the same and add thereto a statement of his reason for taking the same, and of the day when and place where the same was taken, and of the names of the persons (if any) present at the taking thereof. Extension of power to take deposition of child.

(2) The justice taking any such deposition shall transmit the same with his statement—

(*a*) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(*b*) in any other case to the clerk of the peace of the county or borough in which the deposition has been taken;

and the clerk of the peace to whom any such deposition is transmitted shall preserve, file and record the same.

Admission of deposition of child in evidence.

14. Where, on the trial of any person on indictment for any offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a registered medical practitioner that the attendance before the court of any child in respect of whom the offence is alleged to have been committed would involve serious danger to its life or health, any deposition of the child taken under the Indictable Offences Act, 1848, or the Petty Sessions (Ireland) Act, 1851, or this Act, shall be admissible in evidence either for or against the accused person without further proof thereof—

11 & 12 Vict. c. 42.
14 & 15 Vict. c. 93.

(*a*) if it purports to be signed by the justice by or before whom it purports to be taken; and

(*b*) if it is proved that reasonable notice of the intention to take the deposition has been served upon the person against whom it is proposed to use the same as evidence, and that that person or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

Evidence of child of tender years.

15.—(1) Where, in any proceeding against any person for an offence under this Act, or for any of the offences mentioned in the First Schedule to this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and the evidence of such child, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of section fourteen of the Petty Sessions (Ireland) Act, 1851, or of section thirteen of this Act, shall be deemed to be a deposition within the meaning of those sections respectively:

11 & 12 Vict. c. 42.
14 & 15 Vict. c. 93.

Provided that—

(*a*) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution is corroborated

by some other material evidence in support thereof implicating the accused; and

(*b*) Any child whose evidence is received as aforesaid and who shall wilfully give false evidence shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, in the case of juvenile offenders, or in Ireland by section four of the Summary Jurisdiction over Children (Ireland) Act, 1884, in the case of children. 42 & 43 Vict. c. 49. 47 & 48 Vict. c. 9.

(2) This section shall not apply to Scotland.

Power to proceed with case in absence of child.

16. Where in any proceedings with relation to an offence of cruelty within the meaning of this Act, or any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Presumption of age of child.

17. Where a person is charged with an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, or any offence under the Employment of Children Act, 1903, in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act and the Employment of Children Act, 1903, be deemed to be under that age, unless the contrary is proved.

Mode of charging offences and limitation of time.

18.—(1) Where a person is charged with committing an offence under this Act, or any of the offences mentioned in the First Schedule to this Act, in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment or exposure, together or separately, and may charge him with committing all or any of these offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence under this Act, or of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence and committed at any previous time.

(4) When an offence under this Act, or any offence mentioned in the First Schedule to this Act, charged against any person

is a continuous offence, it shall not be necessary to specify in the information, summons or indictment the date of the acts constituting the offence.

Appeal from summary conviction to quarter sessions.

19. When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application under sections six, seven or eight of this Act, other than an application to a judge or court of assize, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such a conviction, or order, or decision, in England and Ireland to a court of quarter sessions, and in Scotland to the High Court of Justiciary in manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875, or any Act amending the same.

38 & 39 Vict. c. 62.

Expenses of prosecution.

20.—(1) Where a misdemeanor under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

(2) This section shall not apply to Scotland.

Guardians may pay costs of proceedings.

21. A board of guardians, or in Scotland the parish council of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the assault, ill-treatment, neglect, abandonment or exposure of any child and, in the case of a union, shall charge such costs and expenses to the common fund.

Supplemental.

Provision as to byelaws.

22. Every byelaw under this Act shall be made by the same authority and confirmed in the same way as byelaws under the Employment of Children Act, 1903, or in Scotland as byelaws under section two of the said Act.

Provision as to parents and as to meaning of "custody, charge or care."

23.—(1) The provisions of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child, and the expression "parent," when used in relation to a child, includes guardian and every person who is by law liable to maintain the child.

(2) This Act shall apply in the case of a parent who, being without means to maintain a child, fails to provide for its maintenance under the Acts relating to the relief of the poor, in like manner as if the parent had otherwise neglected the child.

(3) For the purposes of this Act—

Any person who is the parent of a child shall be presumed to have the custody of the child; and

Any person to whose charge a child is committed by its parent shall be presumed to have charge of the child; and

Any other person having actual possession or control of a child shall be presumed to have the care of the child.

Evidence of wages of defendant.

24. In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or, if no wages book be kept, a written statement signed by such employer or by his foreman, shall be prima facie evidence that the wages therein entered, or stated as having been paid to any person, have in fact been so paid: Provided that such copy or statement has been signed by such employer or his foreman, and that the signature of such employer or foreman, has been witnessed by the person producing the said copy or statement.

Vexatious Indictments Act to apply. 22 & 23 Vict. c. 17.

25. Every misdemeanor under this Act shall in England and Ireland be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859, and any Act amending the same.

Extension of section ten of 42 & 43 Vict. c. 54.

26. Section ten of the Poor Law Act, 1879, shall be amended so as to include in it, as one of the associations or societies to which a board of guardians may, with the consent of the Local Government Board, subscribe, any association or society for the prevention of cruelty to children.

Extension of time for proceedings. 48 & 49 Vict. c. 69.

27. The limit of time mentioned in the second proviso of section five of the Criminal Law Amendment Act, 1885, shall be six months after the commission of the offence.

Right of parent, &c. to administer punishment.

28. Nothing in this Act shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child.

General definitions.

29. In this Act, unless the context otherwise requires—

The expression "local authority" has the same meaning as in the Employment of Children Act, 1903:

The expression "chief officer of police" means—

in the city of London and the liberties thereof, the commissioner of city police;

in the metropolitan police district, the commissioner of police of the metropolis;

elsewhere in England, the chief constable or head constable or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "street" includes any highway or other public place, whether a thoroughfare or not:

The expression "place of safety" includes any place certified by the local authority under this Act for the purposes of this Act, and also includes any workhouse or police station, or any hospital surgery, or place of the like kind:

The expression "Industrial Schools Acts" means as regards England and Scotland the Industrial Schools Act, 1866, and the Acts amending the same. 29 & 30 Vict. c. 118.

Application of Act to Scotland.

30. In the application of this Act to Scotland, unless the context otherwise requires—

The Secretary for Scotland shall be substituted for a Secretary of State:

The expression "local authority" means the local authority for the purposes of section two of the Employment of Children Act, 1903, as defined in subsection four of section fourteen of that Act, and the provisions of the said subsection shall apply accordingly:

The expression "chief officer of police" means the chief constable or head constable, superintendent or inspector, or other officer, by whatever name called, having the chief local command of the police in the police district in reference to which such expression occurs:

The expression "court of summary jurisdiction," the expression "petty sessional court" and the expression "justice of the peace" mean the sheriff or sheriff substitute:

The expression "misdemeanor" means crime and offence:

The expression "manslaughter" means culpable homicide:

The expression "defendant" includes panel, respondent or person charged:

The expression "enter into a recognizance with or without sureties" means grant a bond of caution:

The expression "workhouse" means poor house.

Application of Act to Ireland.

31. In the application of this Act to Ireland, unless the context otherwise requires—

The Chief Secretary shall be substituted for a Secretary of State:

The expression "local authority" means any local authority as defined by the Employment of Children Act, 1903.

Expenses of local authority.

32. Expenses incurred by a local authority under this Act shall be defrayed in like manner as expenses incurred under the Employment of Children Act, 1903.

Short title and commencement of Act.

33.—(1) This Act may be cited as the Prevention of Cruelty to Children Act, 1904.

(2) The enactments mentioned in the Second Schedule to this Act shall be repealed from the date of the commencement of this Act to the extent specified in the third column to that Schedule.

(3) This Act shall come into operation on the first day of October one thousand nine hundred and four.

SCHEDULES.

FIRST SCHEDULE.

Any offence under sections twenty-seven, fifty-five or fifty-six of the Offences against the Person Act, 1861, and any offence against a child under the age of sixteen years, under sections five, forty-two, forty-three, fifty-two or sixty-two of that Act, or section eleven of the Criminal Law Amendment Act, 1885. Sections 4, &c. 24 & 25 Vict. c. 100. 48 & 49 Vict. c. 69.

Any offence under the Dangerous Performances Acts, 1879 and 1897. 42 & 43 Vict. c. 34.

Any other offence involving bodily injury to a child under the age of sixteen years. 60 & 61 Vict. c. 52.

SECOND SCHEDULE.

Section 33.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 41.	The Prevention of Cruelty to Children Act, 1894.	The whole Act.
3 Edw. 7. c. 45	The Employment of Children Act, 1903.	In section four the subsection numbered (6). Section eleven.

CHAPTER 16.

An Act to enable Regulations to be made for carrying into effect conventions with respect to the prevention of danger arising to public health from vessels, and the prevention of the conveyance of infection by means of vessels. [15th August 1904.]

BE it enacted by the King's most Excellent Majesty, by and with the 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:

Sanitary regulations as to vessels. 59 & 60 Vict c. 19.

1.—(1) The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act, shall include the power of making regulations authorising measures to be taken for the prevention of danger arising to public health from vessels arriving at any port, and for the prevention of the conveyance of infection by means of any vessel sailing from any port, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any foreign country, and the regulations may in particular