

A guide to the Children Act 1908

This is a very long and difficult to understand legislation comprising of 7 parts and 135 sections, some of these sections have multiple sub sections. The original legislation can be downloaded in PDF form from legislation.gov.uk

After the guide there will be some information from the Hansard site in relation to what MP's thought about the introduction of this legislation.

Part 1. Infant Life protection.

1. Where someone takes money for the nursing or maintenance of one or more children under the age of 7 years instead of the child's parents, he (they) shall inform the local authority in writing within 48 hours of taking on said child unless they are only looking after the child for less than 48 hours.

If a person has been looking after a child without reward (money) and starts being paid for looking after the child they must then inform the local authority within 48 hours of taking money for the child. This notice in writing should include the following; name, age, sex of the child. The name and address of the person now looking after the child and the name and address of the person who has handed the child over.

If the person receiving money and has informed the local authority changes their address, they shall inform the local authority of their new address within 48 hours in writing of this change. Where the change of address is to a different local authority, he then has to inform both local authorities of this change as well as details of every child within his care.

If any infant being looked after for monetary gain dies or is removed from their care they shall inform the local authority all details of this change in writing within 48 hours of the change, including the name and address of the person who has taken the child if the child is removed from their care.

If a person has any children not their own for whom they receive monetary reward prior to the commencement of this Act they shall within 48 hours inform the local authority the details of all children within their home. Including names, ages, sex of child and details of whom they received the child from. Unless they had already informed the local authority under the Infant Life Protection Act 1897 (this Act is not available on the government legislation site.)

If anyone fails to give notice as per this legislation within the specified time frame, they will be guilty of an offence under this part of this Act. This can include being given a fixed penalty or fine.

2. It is the duty of every local authority to provide persons to execute this part of the Act and from time to time make enquiries regarding this section of the Act. To enable this the local authority shall appoint a person of either sex to be infant protection visitors (social workers) whose duties will include home visits to ensure the child is safe, advise in respect of child care.

The local authority can combine with other local authorities and authorise any philanthropic society to exercise these provisions. They can also make some exemptions from visits on premises which appear to be conducted in a way which means they don't need to be visited. Any person being visited who refuse to allow the social worker to enter shall be guilty of an offence under this Act. In

these cases, if the social worker or other person is refused entry into the property and they believe a child under the age of 7 is being kept in the house in contravention of this Act they may apply to the justice who can then grant a warrant to enter the premises. If the person still refuses entry, they will be guilty of an offence under this Act.

3. Any infant in respect of this Act shall not be kept without written sanction of the local authority by any person who has had their rights to look after the child removed, be kept in any premises from which the child has already been removed due to the premises being dangerous or unsanitary or being seen as unfit as to endanger health. Furthermore, they can not be kept by anyone who has been convicted of any offence under this Act or the prevention of cruelty to children Act 1904 (this Act is not on the government legislation site)
4. The local authority can fix the number of children under the age of 7 who may be kept within a dwelling. Any person who is keeping over the fixed number of infants under 7 will be guilty of an offence under this Act.
5. If an under 7-year-old in respect of this Act is kept in a premises that is overcrowded, dangerous, insanitary, by a person who is accused of neglect, ignorance, inebriety, immorality, criminal conduct, is unfit to have care for an infant or by a person in contravention of any provision of this Act then the social worker or appointed person can apply to the court or local authority for an order to remove the child or children to a place of safety till it/they can be returned to the parents or lawfully disposed of.

Anyone who refuses entry or removal of the aforementioned child or children will be guilty of an offence under this Act.

6. In the case of the death of a child as per this legislation the person who was caring for the child for payment must give notice in writing to the coroner within 24 hours and the coroner shall hold an inquest unless there is supplied a certificate written by a doctor who personally attended the child during their illness and has specified the cause of death. If this notice is not given within 24 hours the person who should give notice will be guilty of an offence under this Act.
7. If a person who is receiving monies for the care of an infant attempts to procure life insurance for said child, they will be guilty of an offence under this part of the Act. This also includes a clause in respect of companies who offer life insurance for a child who is being looked after for monies as set out in this Act.
8. Any person who is required to give notice under this section of the Act who wilfully or knowingly gives false statement or causes another person to give false or misleading statements in any such notice will be guilty of an offence under this part of the Act. Every notice required under this part of the Act must be written and sent by registered letter addressed to the clerk of the local authority or the person appointed by the local authority and or the coroner.
9. If a person is guilty of an offence under this part of the Act, they will be liable to imprisonment for a term of no longer than 6 months and or fined not exceeding £25. Moreover, the child or infant in respect of which the offence was committed will be removed to a place of safety. (Obviously this can not happen if the child has died, so this section is in relation to part 1 of the Act) Any fines given will be paid to the local authority.
10. This section just sets out provisions in regards to the county of London and is not very interesting.
11. The provisions of part 1 of the Act shall not extend to any relative, legal guardian, any person who undertakes the maintenance of the child under the relief of the poor, hospitals,

convalescent homes or institutions established for the protection of children and conducted in good faith for religious or charitable purposes, or boarding schools. For the purpose of relatives in this section this pertains to grandparents, brothers, sisters, Aunts, uncles etc.

Part 2. Prevention of cruelty to children and young persons.

12. A person over the age of 16 who has custody, charge of care of a child / young person wilfully ill-treats, neglects, abandons, assaults, or exposes a child / young person to the same or if they procure a child or young person in order to cause the aforementioned in a manner likely to cause unnecessary suffering or injury including sight loss, hearing, limb or organ damage that person will be guilty under this Act of a misdemeanour.

There is a slight word change here from the 1889 Act where the age stated as a male under 14 and female under 16 has been removed. They have also added assaults to the list of abuse and named some forms of abuse such as sight loss etc. these changes might have occurred in the 1904 Act but the government legislation website does not hold a copy of this Act.

Upon conviction of the above the guilty person on indictment could face up to 2 years in prison with or without hard labour and or a fine not exceeding £100. A person found guilty on summary conviction could face imprisonment up to 6 months with or without hard labour and or a fine not exceeding £25.

For the purpose of this section of the Act a parent or other person legally liable for the child or young person will be deemed to have neglected the child if the following applies. Fails to provide adequate clothing, medical aid, housing or adequate food. Or if being unable to provide these things they then fail to take steps to procure these which can be provided under the Acts relating to the relief of the poor. (This Act makes it clear as to what is classed as neglect)

If a person over the age of 16 is on trial for the murder or manslaughter of a child or young person under the provisions of this Act (meaning they had the child or young person in their custody, charge or care) it is then lawful for the jury to find the accused guilty as long as they are satisfied that there is enough evidence. If upon conviction on indictment of the death of a child the person accused is also found to have received monies or due to receive monies for the death of the child, or had knowledge of monies payable upon the child's death then they could face a prison term of up to 5 years and or a fine not exceeding £200. However, if the conviction is a summary conviction, then the court is to take into consideration the monetary aspect surrounding the death when handing down a sentence and or fine. This includes if the person found guilty was not the person named as the beneficiary but did benefit from the monies paid.

Finally, an offence under this section of the Act shall be referred to as cruelty.

13. Where a person over the age of 16 years who has been drinking alcohol has an infant under the age of 3 years in their bed and the infant dies from suffocation that is not due to disease or foreign object in the throat or nose then the person over the age of 16 shall be classed as neglecting the infant in a manner likely to cause injury under this part of the Act.
14. If a person having custody, charge or care of a child under 16 or causes or procures a child to be in the street, premises or place for the purpose of begging, receiving monies with or without performing, singing, dancing or selling goods for said monies then that person can be upon conviction sentenced to a prison term of up to 3 months with or without hard labour and or fined up to £25.

15. If a person over the age of 16 who has a child in their care under the age of 7 years allows that child to be in any room containing an unprotected open fire and the child suffers serious injury or is killed as a result then upon summary conviction that person will be fined no more than £10. This provision includes scolding as well as burning. It is important to remember that most houses at this time heated water on an open fire and that fire guards were rarely a fixture within these homes.
16. If any person having custody of a child between the ages of 4 and 16 years allows the child to enter or frequent a brothel, they shall be guilty of a misdemeanour and if convicted they could face up to six months in prison with or without hard labour and or a fine not exceeding £25. Unless they are indicted under section 6 Criminal Law Amendment Act 1885 where the jury being satisfied can find the accused guilty.
17. If a person having custody, care or charge of a female under the age of 16 years causes or encourages the seduction or prostitution of the female they can, if found guilty be imprisoned for up to 2 years with or without hard labour.
18. If a parent or guardian of a female under 16 have knowledge of or have exposed the female to the risk of seduction and or prostitution the court can enforce a (recognizances) due care and supervision order in respect of the female. The provisions of the Summary Jurisdiction Act 1879 in respect of recognizances, good behaviour shall apply to recognizances under this section.
19. This section covers the capacity for the police to arrest a person who is suspected of an offence under this part of the Act and the first schedule of this Act without the need for a warrant as long as the name and address of the person are unknown to the police and they have no way to ascertain it. This includes if the police have reason to believe the person has committed a crime under this Act. Upon being arrested and questioned the accused should then be bailed unless there is reason to believe that the accused would cause injury or is a danger to the child pertaining to the arrest.
20. This section covers the removal of a child by the police to a place of safety if they believe a crime has been committed under this Act. The child once in a place of safety will remain there until a court has passed judgment on the accused. Once a court has convicted the accused the child can be held for up to 21 days whilst they decide what to do with the child, notwithstanding that any person claims custody of the child.
21. Where a person with custody of a child is convicted of committing an offence to the child under this Act, committed for trial or bound over to keep the peace in respect to the child, the court can decide to deal with the child by placing the child with a relative of the child or a fit person named by the court until the child turns 16 years of age. Or less whereby the order can be renewed, varied or revoked.

If the child has a legal guardian or parent no order shall be made unless the legal guardian or parent is committed for trial, bound over to keep the peace or has been convicted of a crime towards the child. Where an order has been made under this section and the accused is acquitted of the charge or the charge is dismissed then the order will be classed as void except in regards to anything that may have been lawfully done under it.

The secretary of state may use their discretion to discharge a child from the care of any person to whose care he is committed in regards to this section of the Act. If it is classed to be of benefit to the child this can include the emigration of the child and or sending the child to an industrial school as authorised under part 4 of this Act.

22. This section covers the carer of the child whom the child has been placed with by the court. This includes that the person who is now in charge of the child should treat the child as if they were their own child and will be responsible for the maintenance of the child. It also covers the assisting, inducing directly or indirectly the escape of a child from the court ordered carer and harbouring or concealing an escaped child preventing them from returning to the court appointed carer. If found guilty of assisting, inducing, harbouring or concealing the child the accused could face up to 2 months in prison and or a fine of up to £20. It also covers the original parent, guardian, carer possibly paying the court ordered carer maintenance of up to £1 a week towards the child's upbringing.

Where kinship care is concerned under this Act (The child being placed with a relative) the court can not order the parent to pay monies for the care of the child. However, where the parent is not related to the court appointed carer, they could at the request of the court need to sign over part or all of their pension to the court appointed carer.

23. This section covers the religion of the child and that wherever possible the court appointed carer should be of the same religion or should bring the child up in accordance with the religion of the child.
24. Upon being given information under oath the justice, where they believe it is in the best interest of the child and there is reason to believe the child has been or is being treated in a manner that constitutes an offense under this Act issue a warrant for the arrest of the accused. The child will then be taken into a place of safety or committed into the care of a relative. The warrant gives the officers the ability to enter by force if needed as long as the residence, building etc is named on the warrant.
25. The secretary of state can decide in respect of wholly or partly voluntarily funded (by contribution) institutions for the reception of poor children to be inspected by or under the authority of any government department from time to time. Any person given the authority to inspect these institutions and is obstructed from doing so can for the purpose of this provision believe there is reasonable cause to suspect that an offence is being committed under this Act. Where an institution is for females only, the secretary of state can where practical request a woman to visit to carry out the inspection. Although any appointment made under this section may at any time be revoked.

Power as to habitual drunkards.

26. Basically, if you are an alcoholic and have been convicted under this Act for cruelty etc then as long as you come under the meaning of the Inebriates Acts 1879 to 1900 you can be sent to and detained in a retreat as stated in the 1879 to 1900 Acts instead of being sent to prison for up to 2 years. You'd get sent to a certified inebriate reformatory. I don't know what one of those is but it doesn't sound very cosy.

Evidence and procedure.

27. In respect to any offence under this part of this Act or the first schedule of this Act the criminal evidence Act 1898 shall apply. The wording in the criminal evidence Act 1898 was changed in reference to the prevention of cruelty to children Act 1894 to cover this part and the first schedule of this Act.
28. On the evidence of a qualified medical practitioner stating that there would be serious danger to life or health of a child due to give evidence in court the court can take in writing

the evidence of the child due before them as a witness. This is to be transcribed and include date, time and name of person transcribing the statement of facts.

29. This basically says the same thing as section 28 but includes the opportunity for counsel to cross-examine.
30. If the child giving evidence is not of an age to understand or take the oath in court the child can still give evidence in court without taking the oath as long as they understand the concept of telling the truth. In which case the evidence will be taken in writing in accordance with section 17 of the Indictable offenses Act 1848. Providing the person will not be liable to conviction without corroboration by some material evidence or support implicating the accused. And, any evidence given by a child as in the aforementioned has wilfully given false evidence in which case they will be guilty of perjury and the case dealt with summarily under section 10 of summary jurisdiction Act 1879
31. If the court decides that the attendance of the child before the court is not needed then the case can proceed and be determined in the absence of the child.
32. If two or more children are subjected to abuse the court can decide to combine the charges and use the same information. However, the person will not be liable to a separate penalty for each child.
33. This covers the right to appeal.
34. A board of guardians may start proceedings under this Act and may pay for this out of the common fund. In London the local authority can instigate proceedings and expenses shall be defrayed as expenses of the authority.
35. Any misdemeanour under this part of the Act will be classed as an offence and subject to the provision of the Vexatious Indictments Act 1859 and any amending Act.
36. Section 10 of the poor law Act 1879 is amended so as to include an association or society where a board of guardians may with consent from the local government board subscribe any society or body for the prevention of cruelty to children.
37. No part of this Act stops parents, teachers etc from administering punishment to a child.
38. "Fit person" includes any society or corporate body established for the reception and prevention of cruelty to children. Also, if a father has deserted his child, he still has custody of his child. Plus, any other person who has physical possession of the child shall be presumed to have the care of the child.

Part 3. Juvenile Smoking.

39. No one is to sell cigarettes or cigarette papers to a child under the age of 16. A first offence will result in a fine not exceeding £2. For a second offence the fine is a maximum of £5 and for further offences the maximum fine is 310
40. A police officer or park keeper being in uniform can seize any cigarettes and cigarette papers from anyone under the age of 16 and will be destroyed. However, a police officer and park keeper in uniform cannot search a female.
41. Where an automatic cigarette machine has been proven to be continuously used by children the owner of the establishment is ordered to add precautions to prevent under 16-year-old from using it. If they refuse to comply to these restrictions, they can be fined up to £5 and a further fine of £1 per day till restrictions are put in place.
42. This provision does not apply to persons who are in the employment of a manufacturer or a dealer in tobacco or works for a messenger company employed by the same.
43. The expression "cigarette" for the purpose of this Act includes and tobacco products including leaf and rolled as well as other materials capable of immediate use for smoking

and smoking mixtures intended as a substitute for tobacco. Where a seller of tobacco believes that the buyer is over the age of 16 then they will not be guilty of an offence.

Part 4 reformatory and Industrial schools.

44. The expression “reformatory schools”, “industrial schools” under this Act means a school for industrial training of youth offenders. Where the youths are housed, clothed and fed as well as taught. An attendance order refers to an order made under the pursuance of the elementary education Act 1876.

Where a child is ordered to be sent to a reformatory or industrial school, or is transferred from a reformatory to an industrial school this can cover a period of time after the child reaches the age of 14 years.

Certification and inspection of schools.

45. The secretary of state can direct chief inspector of reformatory and industrial schools to examine the conditions of the school and report back to him. After receiving such a report and satisfied in regards to the condition the secretary of state can then certify the school is fit for purpose and young offenders can then be sent to the certified school in pursuance of this part of the Act.
46. The secretary of state can appoint a chief inspector of reformatory and industrial schools to assist him with the powers bestowed upon him by the secretary of state. These inspectors will be paid by parliament with the consent of the treasury. Every certified school shall be inspected at least once a year by either an inspector or assistant inspector.
47. If the conditions of the certified school drop below the acceptable levels the certificate can be withdrawn unless conditions improve within a set time frame and admissions will be prohibited until the standards are raised.
48. The managers of a certified school can give six months’ notice, or one month notice in regards to the executors of a deceased manager in writing to resign the certificate. This must be sent to the secretary of state.
49. Once a notice of resignation of certificate is received no youth offenders can be placed within the school and current youth offenders must still be clothed and fed till the certificate is discontinued.
50. Upon discontinuation of a certificate the youth offenders must be either discharged or transferred to another school.
51. If managers of two or more certified schools propose to establish an auxiliary home for the reception of inmates of the school or schools the secretary of state may certify the home or institution and the new certificate can be withdrawn or resigned the same as the school certification.
52. Although the managers of these certified schools can decline to receive a young offender, once accepted into the school the managers have a duty to house, clothe, feed and train the young offender for the period of detention unless the certificate is withdrawn or resigned. Or until parliament discontinues its contributions towards expenses whichever happens first.
53. This section is a little confusing in its wording. However, on continued reading of this section it would appear that if a child under the age of 8 years old is sent to a certified school they can be boarded outside of the school until the child turns 10 years of age where it is then brought back into the school for the duration of time specified for detention.
54. Certified school managers can make rules within the school in respect of management and discipline but these are subject to approval by the secretary of state.

55. Certified schools can not be altered or additional buildings added without the approval in writing of the secretary of state
56. This section basically covers allowances for officers of certified schools who can no longer do their duty due to physical or mental health, age or infirmity. This is governed by the superannuation (metropolis) Act 1866.
57. This section covers youth offenders between the ages of 12 and 16 whom the court considers should be tried as an adult but sends them upon sentence to a certified school instead of prison. If they have served their time in a certified school they will not then be sent to prison. Unless there is no certified school available and then the secretary of state may send the young offender back to court to be sentenced in a prison.
58. In petty sessional court anyone under the age of 14 where they have been found begging on the street or in premises for the purpose of begging, with or without performance, found wandering the street with no fixed abode, no visible means of sustenance, has no parents or legal guardian, has a parent or legal guardian who does not exercise proper guardianship, is destitute, orphaned, undergoing penal servitude (for illegitimate children), in the company of a reputed thief or prostitute, is the daughter of a father convicted under section 4 or 5 of the criminal law amendment Act 1885 whether legitimate or illegitimate or is lodging or residing in a house used by any prostitute can be sent to a certified industrial school. The only exception to this is in respect of a child whose mother is a prostitute but exercises proper guardianship, due care to protect the child from contamination and does not allow the child to come into contact with other prostitutes.

A parent or guardian may prove to a petty sessional court that they can not control their child and desires the child to be sent to a certified industrial school. However, the court may decide to instead place the child under the supervision of a probation officer as if the child had committed a crime, which is covered under the probation of offenders Act 1907. Guardians of a poor law union or poor law school may approach a petty sessional court regarding a child within a child-maintained workhouse or district poor law school where the parent or parents have been convicted and sentenced to prison to request that the child is sent to a certified industrial school.

There is a lot of reasons within this section for children to be sent to certified industrial school including applications on behalf of the local authority.

59. This section granted anyone the ability to approach a court in respect of a child aged between 14 and 15 in respect to part 2 of this Act and request for the child to be committed to a relative or other fit person named by the court.
60. Where a child is placed in the care of a relative or other fit person named by the court the child be placed on a supervision order.
61. Where a young offender is given a detention order in respect of a certified school this may take effect immediately or at a later date depending on the age and health of the young offender.
62. The certified school taking on the young offender in respect of a detention order does not need to be in the jurisdiction of the court making the order.
63. Where the detention order is deferred to a later date the court can commit the young offender into the custody of a relative or other fit person till the start of the detention.
64. Short version is that the police have to take the child to the certified school where the child is under a detention order.
65. The detention order needs to specify the time period the young offender is to be detained in the certified school. For reformatory schools this can not be longer than 5 years and not

exceeding the young offender turning 19 years of age. In regards to an industrial school not exceeding the young offender turning 16 years of age.

66. As with disposal of a child to a fit person as named by the court the young offender should be placed in a certified school that follows the child's religious teachings where possible. Where a minister of that religion can visit the child once a week to continue his religious studies. There was also a 30-day period for appeal if the child was sent to a certified school that did not cover his religious beliefs.
67. This section, apart from being long-winded and slightly confusing appears to state that after a period of 18 months the young offender could on licence live elsewhere with a suitable adult named on the licence and attend the certified school as a day scholar. Then this section runs through the parameters of the licence and what would constitute a breach of the licence.
68. If on expiration of the period of time a young offender is sent to a certified school the child has not reached 19 years of age the school can remain at the school under the supervision of the managers. Where in short, the parents still cannot exercise their parental rights to the child.
69. The secretary of state can discharge a child from a certified school either absolutely or with conditions. He may also transfer the child to a different certified school.
70. If a young offender in a certified school or placed outside the school on licence the managers of the school can dispose of the child via an apprenticeship or service including the armed forces and by emigration even if his supervision or detention period has not expired as if the managers were his parents. Where disposal via emigration is concerned the young offender must have served at least 12 months unless consent is given by the secretary of state.

Offences in relation to certified schools.

71. Where a young offender breaks the certified school rules in a serious manner or inciting other inmates to cause such a breach then the child can have his detention increased by no more than an extra 6 months. Or if the young offender is over the age of 16 years be transferred to a prison. If over 12 years and in a certified industrial school he may be transferred to a certified reformatory school.
72. If the inmate detained in a certified school escapes the school and is under 16 he will have up to an extra 6 months added onto his detention. If over 16 he can be transferred to a prison with or without hard labour for a term not exceeding 3 months. Anyone found helping a young offender who escapes a certified school can be held liable and face a prison term of up to 2 months with or without hard labour.

Expenses of certified schools.

73. With the approval of the treasury 2 shillings per head per week may be paid by parliament to certified schools as well as the expenses of transferring a young offender to a different certified school and towards expenses of disposing of any such offender or child by emigration.
74. Where a young offender is sent to a reformatory school it is the duty of the council in which he resides to provide for his reception and maintenance in the certified reformatory school.

This section goes on to explain about moving a child from one local authority area to another local authority area in respect of certified schools. The disposal of such a child, the agreements made between different educational authorities and then the information pertaining to London county council.

75. This section sets out the parents responsibility in regards to any maintenance they need to pay in respect of a young offender in a certified school and who they need to pay it to.
76. Certified reformatory school expenses to be paid by parliament. Certified industrial schools expenses to be paid by the police authority. If the local education authority insists on a child being sent to a certified industrial school they have to pay the expenses for the child including travel expenses to and from the school.

Day Industrial schools.

77. The secretary of state can certify an industrial school who provides one meal a day but no boarding as a certified industrial day school but a school can not be both a certified industrial day school and a certified reformatory or industrial school that supplies lodgings. This certification of an industrial day school can be withdrawn if the training offers falls below a certain level.
78. This section lays out the distance a pupil can travel to school and that the court can if they wish send a child to a certified industrial day school instead of a certified industrial school.
79. Parents, guardians or other persons legally liable for a child can request without the need of the court to send a child to a certified industrial day school.
80. This section sets out the monies provided by parliament in relation to certified industrial day schools.
81. Local education authority have the same powers in respect of certified day schools as they have for certified schools.
82. If a court send a child to a certified day school the parents or person liable for the maintenance of the child is required to contribute to the child's education and meals whilst at the certified industrial day school. There is also provisions for parents who cannot afford to pay the school fees.
83. This sets out that the provisions of this part of the Act are applicable to both certified day schools and certified schools.

Supplemental provisions.

84. Where a young offender has been sentenced to imprisonment and has been pardoned on condition of placing himself under the care of a charitable institution for the reception of reformation, he may be sent to a certified reformatory school for between 3 and 5 years if under the age of 16.
85. Authorised persons within a certified school to take a child to and from school or return a child to a certified school upon escaping will have the same level of powers, protection and privileges as that of a police officer.
86. A notice of grant, withdrawal or resignation of a certificate to a reformatory or industrial school shall within one month be advertised in the London Gazette.
87. Sets out the secretary and under-secretary of states roles in regards to certificates.
88. This sets out the role of the London gazette as being enough evidence regarding certificates for certified schools. Who can sign the certificates etc.
89. The duration a child is detained in a certified school under this part of the Act is excluded from the time mentioned in section 1 of the poor removal Act 1846
90. This section sets out the modifications of who should be informed of change of address of parents who have had a contribution order made against them.

91. This section is about how certain officers' roles have changed due to the repeal of the Middlesex industrial schools Act who became officers and servants of the London County Council upon the passing of the local government Act 1888.
92. This sets out that this Act has taken over from other Acts in respect of certified schools and those things basically stay the same as they did in the previous Acts.
93. Isle of Man and Channel Isles were given permission to send young offenders to certified reformatory and Industrial schools in England.

Part 5. Juvenile offenders.

94. This sets out the bail conditions for an under 16-year-old in crimes other than homicide, serious crimes, to remove them from association with a reputed criminal or prostitute or that being on bail would defeat the ends of justice.
95. A person under the age of 16 can be detained by the police before being brought to court unless it is impractical to do so or he is so unruly he can't be safely detained, or it is mentally or physically inadvisable to do so.
96. Where possible a child being held in custody by the police should be kept away from adults being detained by the police.
97. A young offender who can not be bailed should be kept in a detention centre or a prison whilst awaiting trial. Or if needed a place where their mental and health needs can be attended to whilst awaiting trial.
98. This section is about informing parents or the person whom has charge and care of the child of their arrest, leaving them in the custody of their parents if possible whilst awaiting trial. Ensuring the person who holds responsibility for the child is aware it is their duty to ensure the child attends the police station or court.
99. Where the court decides that a young offender should be fined, pay costs or damages for the crime the court may then decide that the parent or legal guardian for the child should meet these fines, costs or damages unless it is proven that the parent or legal guardian did not have anything to do with the perpetration of the crimes by neglecting to exercise due care towards the child. However, the parents may give security of the child's good behaviour.

If the parent or legal guardian is ordered by the court to pay the fine instead of the case going to trial or on completion of the case going to trial the parent may then end up in prison for non-payment. However, the parent or legal guardian can appeal.

100. The conviction of a child shall not be regarded as a conviction of felony for the purpose of disqualification attaching to felony.
101. This sets out the limitation of costs or fines if the child is ordered to pay the fine and or costs themselves.
102. A child can't be sent to prison for non-payment of fines, damages and or costs.
103. A child can't be given the death penalty. But can be detained at His Majesty's pleasure in a place of the secretary of states choosing.
104. Again this sets out that the secretary of state can decide where the child be detained in respect to offenses that include attempted murder, manslaughter, wounding with intent etc.
105. Under the last 2 sections of this Act the secretary of state can discharge the child on license.

106. This sets out the substitution for s custodial sentence for a child.
107. This sets out the choices of the court in relation to a young offender such as dismissing charges, placing the offender under probation, sending the offender to a certified industrial or reformatory school, committing the offender into the care of a relative, ordering the offender to be whipped, ordering the offender to pay costs, damages and or a fine, ordering the parents of the offender to pay costs, damages and or a fine, ordering the parents to give security of good behaviour, placing the offender in a detention centre, sentencing the offender to imprisonment and dealing with the case in any other manner.
108. This section deals with how the police are to provide detention centres for juvenile offenders. Including sending them out of the area if needed. The fitness of the place of detention, payment for the detention, and the keeping of records as to where the offenders are being detained. As well as information in regards to ensuring the juvenile offender attends court etc.
109. That a copy of the detention order is supplied with the child upon delivery of the child into the centre's care. That whilst in a detention centre this is classed as being in custody, the results as to what happens if the child escapes custody. And that there are provisions for the inspection of the detention centres.
110. This section sets out who is liable for costs in relation to detention centres.
111. This sets out the procedures for juvenile courts.
112. The provisions of this Act prohibit or restrict a child being remanded in prison on remand, waiting trial or for defaults in payments. However, a juvenile offender may be placed in a detention centre.
113. This part of the Act shall not be applied to proceedings started before 1st April 1999.

Part 6. Miscellaneous and general.

114. Exclusion from the court any person not important to the case whilst a child is giving evidence.
115. No child apart from a baby in arms is allowed in a court during the trial of any person. Apart from messengers, clerks or other persons required to attend such as being the person on trial.
116. A scrap metal dealer as defined by the prevention of crimes Act 1871, or a marine store dealer within the meaning of part 5 merchant shipping Act 1894 who buys scrap or old metal from a person who appears to be or is under 16 years of age will be liable in summary conviction a fine not to exceed £5.
117. A pawnbroker can not buy goods from anyone who appears to be or is under the age of 14 years. If he does, he will be guilty of an offence under the pawnbrokers Act 1872. However, nothing in this Act or this section shall affect section 50 of the Metropolitan Act 1839
118. Anyone who habitually wanders from place to place with a child over the age of 5, unless they prove the child is exempt from school or that the child is still receiving an education be liable to a fine of 20 shillings and the child sent to a certified industrial school. However, if the child is on a canal boat whose education is overseen by the canal boats Act 1877 this shall not apply. There's also a clause where an habitual wanderer can be taken into custody without a warrant as they are committing an offence under this Act and the child taken to a place of safety. However, if the parent or legal guardian has obtained a certificate to prove the child attended no less than 200 days of schooling in the previous year between October and March then the child can't be taken.

119. Anyone except a qualified doctor or on orders of a qualified doctor who gives alcohol to a child under the age of five will be liable of a fine not exceeding £3.
120. No child should be in any licenced premises around the bar at any time, except during closing time. If the holder of the licence allows a child in their bar, or any person caught trying to entice a child to go into a bar during opening hours shall in the first instance be fined 40 shillings and in respect of subsequent offences £5. This changes if the owner of the licence has children and they are resident but not employed and are just passing through the bar to access another part of the premises.
121. This section sets out the policies and protocols for children's entertainment to provide a safe environment and control the movement of the children. Including setting the number of children allowed within the building or establishment, control around stairs, inspection of buildings used for children's entertainment.
122. A local authority can request a medical officer or appointed person with authority in writing from a medical officer to enter an elementary school provided by or maintained for by the local authority to inspect the person and clothing of anyone attending the school for vermin. This included a report stating who had vermin and or clothes were in a disgusting state. The school would then inform the parent or legal guardian giving them 24 hours to remove the vermin and supply clean suitable clothing. If this was not complied to the child could be detained whilst their clothes and they were thoroughly cleaned. Wherein the parent or legal guardian could be fined up to 10 shillings.
123. This section covers checking the age of a child or young person entering the court to ensure they are legally allowed to enter a court unless on trial or as a witness.
124. A written account of wages signed by the employer needs to be supplied to the court in regards to this Act.
125. This section covers step-parents and co-habiting partners in respect of juvenile offenders.
126. This section is in regards to workhouses which offer accommodation to children for the purpose of disposing of a child into the care of a court appointed person.
127. This section is in regards to trust funds for children who are taken into care by the court
128. A substitution from 14 years to 12 years is made in this section of the Act in respect to summary jurisdiction Act 1878 and the maximum term of imprisonment is changed from 3 to 6 months under section 12 of the aforementioned Act.
129. This is in regards to application of rules under section 29 of the summary of jurisdiction Act 1879.
130. An order in council under this Act may be revoked or varied by any subsequent order in council.
131. Definition of terms. Child = person under 14 years. Young person = person between 14 and 16 years. Guardian = any person in the court's opinion has control over or charge of the child or young person. Legal guardian = a person appointed by the court to be in charge of or in control of the child or young person. Place of safety = workhouse, police station, hospital, surgery or another suitable place where the occupier is willing to temporarily house the child. There are other definitions but they are self-explanatory.
132. This is in regards to modification of wording in regards to Scotland.
133. This is in regards to modification of wording in regards to Ireland.

This is then followed by a very long list of Acts that have either been repealed in total or in part by this Act and word changes within Acts that are substituted as part of this Act. In written form on an A4 lined pad these changes cover approximately 4 double sided pages.

According to api.parliament.uk which covers Hansard 1803-2005 some of the following information and or questions were posed in parliament in regards to this Act.

Questions were raised as to the education authorities delegating their duties to the education committees constituted under the education Act 1902

Questions were asked in relation to how many under 8-year-olds were committed to certified Industrial schools instead of being boarded out to suitable families.

Questions were raised as to the rights to appeal.

Questions raised over whipping of offenders.

Lots of questions over the legality of the Act and if it was actually being followed correctly.

Questions in relation to the emigration of children under section 58 (6) of the Act and section 21 (6) of the Act.

There are some very damning comments in relation to the children bill in 1908. Including comments that the bill is too long, covering too many topics and as such very difficult to understand. One report goes so far as to say that with allowing entry into homes the inspectors are given new powers and that they will presume that the parents know exactly what they are doing and will be punished for any errors.

Another believed that the Act was doomed to failure because that any legislation of this kind could permanently be of use to the country and would need the constant backing of the people. Even then it would do more harm than good.

There were comments about the legislation being against the mothers and that it would be open to false allegations of abuse against the mothers and or those looking after the children.

However, it would appear that those trying to force a one-child home clause did not get their way in this legislation.

If we look at the Hansard information pertaining to the children Act 1904 to which I have not been able to locate a copy on the government legislation site even more questions arise as to the validity of this Act and if it works as it is supposed to.

There is a question in relation to a young girl who after attaining the age of 16 years was being forceable kept and detained by the home she was placed in and that the person or people in charge of that home were refusing to allow her to leave until she reached 18 years of age.

Looking at all the information readily available via Hansard in relation to this Act it would appear a number of voices spoke out in relation to the size of the Act and that it consolidated other legislations into a single document, as well as imposing new regulations. There was a fear of outcry from the people, who would not fully grasp the new Act.

When we look back on these older Acts that have continued to be amended and added to over the years it is easy to get lost in the complexity of the situation. Furthermore, many of the sections within these 100+ year old Acts is that the wording and context hasn't evolved with the times and if they haven't been able to stamp out bad parenting practices using these legislations in over 100 years then obviously there is an issue not only with the Acts and the wording of the Acts but also with the education system who have not educated new generations correctly in order to phase out these out-of-date systems and punishments.

Teach people what signs to look out for in respect of domestic abuse and that it is not okay to belittle, abuse, gaslight, coerce, control or otherwise be inhuman to other people. Conflict resolution classes would be a good starting point.

But here's the crux of the issue. Those with the power to change the system have no interest in changing the system and also have no intention of listening to those who are seen as lower-class citizens who either understand the system, have been through the system or have life skills to help change they system. As these issues have not personally touched the lives of those with the power to change the system, they don't understand the implications of the system.

Unless the fundamental aspects of these legislations are changed, along with the attitudes of those who can change the system or those who work inside the system we will continue this never-ending cycle of abuse and misunderstanding for another 100+ years.

