

CHAPTER 31.

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CHAPTER 31.

PREVENTION OF CRUELTY TO CHILDREN.

42 of 1926.

An Ordinance to Prevent Cruelty to Children.

[24TH DECEMBER, 1926.]

PART I.—GENERAL.

Short title.
*

1. This Ordinance may be cited as the Prevention of Cruelty to Children Ordinance.

Interpreta-
tion.

2. For the purposes of this Ordinance, unless the context otherwise requires—

* The short title of this Ordinance has been, hitherto, the "Children Ordinance".

“child” means a person under the age of sixteen years;

“information” includes an information in a court of summary jurisdiction;

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

“legal guardian” in relation to a child means a person appointed, according to law, to be his guardian by will or deed or by order of a court of competent jurisdiction;

“place of safety” means any police station, Government hospital or dispensary, or any other suitable place, the occupier of which is willing temporarily to receive a child.

3. Nothing in this Ordinance 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.

Right of parent, etc., to administer punishment.

PART II.—CRUELTY TO CHILDREN.

4. (1) If any person over the age of sixteen years, who has the custody, charge, or care of any child, 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 his 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 misdemeanour and shall be liable—

Acts of cruelty.

(a) on conviction before the Supreme 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 period not exceeding two years; and

Punishment.

(b) on summary conviction 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 period not exceeding six months;

And for the purposes of this section a parent or other person legally liable to maintain a child shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid, or lodging for the child.

Interference
of third party
on behalf of
child.

(2) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health, or the likelihood of such suffering or injury to health, was obviated by the action of another person.

Death of
child.

(3) A person may be convicted of an offence under this section notwithstanding the death of the child in respect of whom the offence is committed.

Suffocation of
infants.

5. Where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) whilst the infant was in bed with some other person over sixteen years of age, and that that other person was at the time of going to bed under the influence of drink, that other person shall be deemed to have neglected the infant in a manner likely to cause injury to its health within the meaning of this Ordinance.

Abusing a
girl under
thirteen years
of age.

6. Whosoever shall unlawfully and carnally know and abuse any girl under the age of thirteen, whether with or without her consent, shall be guilty of felony, and shall be liable on conviction before the Supreme Court to imprisonment, with or without hard labour, for any period not exceeding fifteen years.

Abusing a
girl between
thirteen and
fourteen
years of age.

7. Whosoever shall unlawfully and carnally know and abuse any girl being above the age of thirteen years and under the age of fourteen years, whether with or without her consent, shall be guilty of a misdemeanour, and shall be liable on conviction before the Supreme Court to imprisonment with or without hard labour, for any period not exceeding two years.

Allowing
children to be
in brothels.

8. If any person having the custody, charge, or care of a child above the age of four allows that child to reside in or to frequent a brothel, he shall be guilty of an offence, and shall be liable on summary conviction 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 period not exceeding six months.

Indecent
assault and
attempt to
have carnal
knowledge.

9. Whosoever commits an indecent assault on or attempts to have carnal knowledge of any girl under fourteen years of age shall be guilty of a misdemeanour, and shall on conviction before the Supreme Court be liable to imprisonment, with or without hard labour, for any period not exceeding two years.

Procuration.

10. Any person who procures or attempts to procure any child not being a common prostitute, or of known immoral character,

to have unlawful carnal connection, either within or without the Queen's dominions, shall be guilty of misdemeanour, and shall be liable on conviction before the Supreme Court to imprisonment for any period not exceeding two years, with or without hard labour.

11. Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any child to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known, shall be guilty of a felony, and shall be liable on conviction before the Supreme Court to imprisonment for any period not exceeding two years, with or without hard labour.

Offences by
house-
holders, etc.

12. Any person who, with intent that any unmarried girl under the age of sixteen years should be unlawfully and carnally known, takes or causes to be taken such girl out of the possession and against the will of her father or mother or any other person having the lawful care or charge of her, shall be guilty of a misdemeanour, and shall be liable on conviction before the Supreme Court to be imprisoned for any period not exceeding two years, with or without hard labour.

Abduction
of girl for
immoral
purposes.

13. (1) If any person having the custody, charge, or care of a child causes or encourages the seduction or prostitution or unlawful carnal knowledge of that child, he shall be guilty of a misdemeanour, and shall be liable on conviction before the Supreme Court to imprisonment, with or without hard labour, for any period not exceeding two years.

Encourage-
ment of
seduction by
guardian, etc.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution or unlawful carnal knowledge (as the case may be) of a girl who has been seduced or become a prostitute or been unlawfully carnally known, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

14. No person shall be convicted of any offence under section 6, 7, 9 or 10 of this Ordinance upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

Corrobor-
ation in
certain cases.

15. (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child,

Determina-
tion of age
by the Court.