

CHAPTER 352

CHILDREN

Ο περί Παίδων Νόμος του 1956

A LAW TO MAKE PROVISION FOR THE CARE OR WELFARE OF CHILDREN IN CERTAIN CASES AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO

[18th August, 1956]

Short title 1. This Law may be cited as the Children Law.

PART I

PRELIMINARY

Interpretation 2. In this Law, unless the context otherwise requires—

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

“Court” means a member of a District Court of competent jurisdiction;

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“Director”—

(a) where the child concerned professes the Christian faith, means the Greek Chief Welfare Officer and includes his duly authorized agent; and

(b) where the child concerned professes the Moslem faith, means the Turkish Chief Welfare Officer and includes his duly authorized agent;

“guardian” means a person appointed by a will or by order of a Court of competent jurisdiction to be guardian of a child;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid, and “hospital accommodation” shall be construed accordingly;

“parent”—

in relation to a child adopted in pursuance of any enactment, means the person or persons by whom he was adopted, to the exclusion of his natural parents;

in relation to a child who is illegitimate, means his mother, to the exclusion of his father;

“place of safety” means any remand home, workhouse, or police station, or any hospital, surgery, or any other place approved by the Director, the occupier of which is willing temporarily to receive a child;

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“public place” has the meaning assigned to it by section 4 of the Criminal

Code or by any Law amending or substituted for the same;

"relative" means a grand-parent, brother, sister, uncle or aunt, and in case of an illegitimate child, a person who would be so related if the child were legitimate.

PART II.

CHILDREN IN NEED OF CARE.

Power of the Director to provide for orphans, deserted children etc.

3. (1) Where it appears to the Director with respect to a child appearing to him to be under the age of sixteen—

- (a) that he has neither parent nor guardian or has been and remains abandoned by his parents or guardian or is lost; or
- (b) that his parents or guardians are, for the time being or permanently, prevented by reason of mental or bodily disease, or infirmity or other incapacity or any other circumstances from providing for his proper accommodation, maintenance or upbringing and there is no available person or persons capable, fit or willing to undertake the care of such child; and
- (c) in either case, that the intervention of the Social Welfare Department under this section is necessary in the interests of the welfare of such child,

it shall be lawful for the Director to receive the child into his care under this section.

(2) Where the Director has received a child into his care under this section it shall, subject to the provisions of this Part, be his duty to keep the child in his care so long as the welfare of the child appears to him to require it and the child has not attained the age of eighteen.

(3) Nothing in this section shall authorize the Director to keep a child in his care under this section if any parent or guardian desires to take over the care of the child and the Director shall, in all cases where it appears to him to be consistent with the welfare of the child so to do, endeavour to secure that the care of the child is taken over either—

- (a) by a parent or guardian of his; or
- (c) by a relative or friend of his, being, where possible, a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in that religious persuasion.

Assumption by the Director of parental rights

4. (1) Subject to the provisions of this Part, the Director may assume with respect to any child in his care under section 3 in whose case it appears to him—

- (a) that his parents are dead and that he has no guardian; or
- (b) that a parent or guardian of his (hereinafter referred to as "the person on whose account the assumption was required") has abandoned or neglected him or suffers from some permanent disability rendering the said person incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child,

that all the rights and powers which the deceased parents would have if they were still living or, as the case may be, all the rights and powers of the person, on whose account the assumption was required, shall vest in the Director.

(2) In the case of an assumption made by virtue of paragraph (6) of subsection (1), unless the person on whose account the assumption was required has consented in writing to the making of the assumption, the Director, if the whereabouts of the said person are known to him, shall forthwith after the making of the assumption serve on him notice in writing of the making thereof; and if not later than one month after such notice is served on him, the person on whose account the assumption was required serves a notice in writing on the Director objecting to the assumption, the assumption shall, subject to the provisions

subsection (3), lapse on the expiration of, fourteen days from the service of the notice of objection.

Every notice served by the Director under this subsection shall inform the person on whom the notice is served of his right to object to the assumption and of the effect of any objection made by him.

(3) Where a notice has been served on the Director under subsection (2) the Director may, not later than fourteen days from the receipt by him of the notice, complain to the Court of the District in which the child is in care, and in that event the assumption shall not lapse by reason of the service of the notice until the determination of the complaint, and the Court may, on the hearing of the complaint, order that the assumption shall not lapse by reason of the service of the notice:

Provided that the Court shall not so order unless satisfied that the child had been, and at the time when the assumption was made, remained, abandoned, or neglected by the person who made the objection or that person is unfit to have the care of the child by reason of unsoundness of mind or mental deficiency or by reason of his habits or mode of life.

(4) A notice under this section may be served by post but suitable evidence of posting must be provided and any notice served by the Director under subsection (2) shall not be duly served by post unless it is sent in a registered letter.

5. (1) While an assumption made by virtue of paragraph (a) of subsection (1) of section 4 is in force with respect to a child, all rights and powers which the deceased parents would have if they were still living shall, in respect of the child, be vested in the Director in accordance with the assumption.

(2) While an assumption made by virtue of paragraph (b) of the said subsection (1) of section 4 is in force with respect to a child, all rights and powers of the person on whose account the assumption was required shall, in respect of the child, be vested in the Director in accordance with the assumption and subsection (3) of section 3 shall not in respect of the child apply in relation to the person on whose account the assumption was required.

(3) An assumption under section 4 shall not prevent the Director from allowing, either for a fixed period or until the Director otherwise determines, the care of the child to be taken over by, and the child to be under the control of, a parent, guardian, relative or friend in any case where it appears to the Director to be for the benefit of the child.

(4) Where an assumption under section 4 is in force in respect of a child and the child has ceased to be in the care of the Director, the Director shall have power to receive the child back into his care in any circumstances in which it appears to him that his intervention under this subsection is necessary in the interests of the welfare of the child.

(5) Where the Director receives a child into his care under subsection (4) of this section the provisions of this Law shall apply as if the child had been received into his care under section 3.

(6) An assumption made under section 4 shall not relieve any person from any liability to maintain or contribute to the maintenance of the child.

(7) An assumption under section 4 shall not authorize the Director to cause a child to be brought up in any religious creed other than that in which he would have been brought up but for the assumption.

(8) Any person who knowingly—

(a) assists or induces or persistently attempts to induce a child to whom this subsection applies to run away; or

(b) harbours or conceals a child to whom this subsection applies who has run away, or prevents him from returning to the place from which he has run away,

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shall be liable to imprisonment not exceeding three months or to a fine not exceeding £150 or to both such imprisonment and fine.

This subsection applies to any child in the care of the Director under section 3 in whose case an assumption is in force under section 4, being a child for whom accommodation (whether in a Children's Home, foster home or otherwise) is being provided by the Director in pursuance of Part III and references in this subsection to running away shall be construed as references to running away from a place where accommodation was or is being so provided.

Duration and rescission of assumptions under section 4

6. (1) Subject to the provisions of this Part an assumption under section 4 shall continue in force until the child with respect to whom it was made attains the age of eighteen.

(2) An assumption under section 4 may be rescinded by the Director if it appears to him that the rescinding of the assumption will be for the benefit of the child.

(3) On complaint being made—

(a) in the case of an assumption made by virtue of paragraph (a) of subsection (1) of section 4 by a person claiming to be a parent or guardian of the child;

(b) in the case of an assumption made by virtue of paragraph (b) thereof by the person on whose account the assumption was required,

the Court where the complainant resides, if satisfied that there was no ground for the making of the assumption or that the assumption should in the interests of the child be determined, may by order determine the assumption and the assumption shall thereupon cease to have effect:

Provided that the Court may, in lieu of determining the assumption, order that either for a fixed period or until the Director so determines, the Director shall allow the care of the child to be taken over by, and the child to be under the control of, the complainant.

Application of preceding provisions to children already subject to orders of the Court

7. (1) The reception of a child into his care by the Director under section 3 and he making of an assumption with respect to him under section 4 shall not affect any supervision or probation order previously made with respect to respect to such child by any Court.

(2) Where an order of any Court is in force giving the custody of a child to any person, the foregoing provisions of this Part shall have effect in relation to the child as if for references to the parents or guardians of the child or to a parent or guardian of his there were substituted references to that person.

(3) The following provisions shall have effect with respect to reform school orders and orders under the Juvenile Offenders Law committing children to the care of fit persons, that is to say—

(a) where a reform school order comes into force, with respect to a child in the care of the Director under section 3 he shall thereupon cease to be in the care of the Director under that section and any assumption made under section 4 in force with respect to such child shall thereupon cease to have effect;

(b) no assumption under section 4 shall be made with respect to a child while an order is in force committing him to the care of a fit person under the Juvenile Offenders Law;

(c) save as aforesaid the provisions of subsection (2) shall apply as if the order were an order giving the custody of the child to the person responsible for the reform school or the person to whose care he was committed by the order, as the case may be.

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Children becoming

8. If a child who is in the care of the Director, under section 3, comes under the

certifiable as mental patients.

control of any person or authority by reason of his adjudication as a mental patient he shall thereupon cease to be under the care of the Director; but where, immediately before he comes under the control of a person or authority as aforesaid, an assumption under section 4 is in force with respect to him, the rights and powers conferred on the Director by the assumption shall, so long as the assumption is in force, continue to be exercisable by the Director so however that the said rights and powers shall not be exercisable against the person or authority having control of the child or so as to interfere with anything done by the said person or authority with respect to the child.

Meaning of "parents or guardian"

9. Save as expressly provided in section 7, any reference in this Part to the parents or guardian of a child shall be construed as a reference to all the persons who are parents of the child or who are guardians of the child.

Duty of parents to maintain contact with the Director having their children in care

10. (1) The parent of a child who has not attained the age of sixteen and is in the care of the Director under section 3 shall secure that the Director is informed of the parents' address for the time being.

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(2) Any parent who knowingly fails to comply with subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding £25.

PART III.

TREATMENT OF CHILDREN IN CARE OF THE DIRECTOR

Scope of Part III.

11. This Part relates to the powers and duties of the Director in relation to children received by him into his care under section 3 or section 64 of this Law and to children who by an order of any Court under the Juvenile Offenders Law have been committed to his care as a fit person and references in this Part to a child in the care of the Director are references to a child for the time being in the care of the Director under section 3 or section 64 of this Law or for the time being committed as aforesaid to the care of the Director as a fit person.

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General duty of the Director

12. (1) Where a child is in the care of the Director it shall be the duty of the Director to exercise any powers with respect to him so as to further his best interests and to afford him opportunity for the proper development of his character and abilities.

(2) In providing for a child in his care the Director shall make such use of facilities and services available for children in the care of their own parents as appears to the Director to be reasonable in his case.

Mode of provision of accommodation and maintenance

13. (1) Subject to the provisions of this section the Director shall discharge his duty to provide accommodation and maintenance for a child in his care—

(a) by boarding him out on such terms as to payment by the Director and otherwise as the Director may, subject to the provisions of this Law and Regulations there under, determine; or

(b) where it is not practicable or desirable for the time being to make arrangements for boarding out, by maintaining the child in a Children's Home provided under this Part or by placing him in a voluntary home the managers of which are willing to receive him.

(2) A child in the care of the Director who is over school age may be accommodated and maintained in any hostel which is wholly or mainly intended for persons who are over school age but have not attained the age of twenty-one.

(3) Nothing in this section shall be construed as preventing the Director from making use, in the case of any child of any such facilities and services as are

referred to in subsection (2) of section 12, and for that purpose arranging for his accommodation and maintenance in any suitable manner not specified in the foregoing provisions of this section.

(4) Where under this section the Director provides for a child by maintaining him in a home or hostel not provided by the Director, the terms whether as to payment by the Director or other matters upon which the child is so maintained shall be such as, subject to the provisions of this Law, may be agreed between the Director and the persons providing the home or hostel.

Regulations as to
boarding out

14. (1) The Governor may, by Regulations under this Law, make provision for the welfare of children boarded out by the Director under paragraph (a) of subsection (1) of section 13.

(2) Without prejudice to the generality of subsection (1), Regulations under this section may provide—

- (a) for the recording, by the Director, of information relating to persons with whom children are boarded out as aforesaid and persons who are willing to have children so boarded out with them;
- (b) for securing that children shall not be boarded out in any household unless that household is for the time being approved by the Director as may be prescribed by the Regulations;
- (c) for securing that where possible the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child will be brought up in that religious persuasion;
- (d) for securing that children boarded out as aforesaid and the premises in which they are boarded out will be supervised and inspected by the officers of the Welfare Department, and that the children will be removed from those premises if their welfare appears to require it.

Power of the
Director to provide
homes

15. (1) The Director may support or provide, equip and maintain Children's Homes for the accommodation of children in his care.

(2) The Director may discharge his functions under the foregoing provisions of this section by making arrangements with other authorities or local bodies for the provision of homes for children in his care and such arrangements may contain provisions for grants-in-aid or for the Director to contribute to the other authorities or local bodies for the children in their care.

(3) The Governor may make Regulations as to the exercise by the Director of his functions under this section and the conduct of homes provided thereunder and for securing the welfare of the children in the homes, and Regulations under this subsection may in particular—

- (a) impose requirements as to the accommodation and equipment to be provided in homes and as to the medical arrangements to be made for protecting the health of the children in the homes;
- (b) impose requirements as to the facilities which are to be given for children to receive a religious upbringing appropriate to the persuasion to which they belong;
- (c) require the approval of the Director to the construction, acquisition or appropriation of buildings with a view to the use thereof for the purposes of homes or to the doing of anything (whether by way of addition, diminution or alteration) which materially affects the buildings or grounds or other facilities or amenities available for children in the homes;
- (d) provide for consultation with the Director as to applicants for appointment to the charge of a home and empower the Director to prohibit the appointment of any particular applicant therefor, except in

the cases (if any) in which the Regulations dispense with such consultation by reason that the person to be appointed possesses such qualifications as may be prescribed by the Regulations;

- (e) contain provisions for limiting the period during which children may remain in accommodation provided for the temporary reception of children, and may contain different provisions for different description of cases and as respects different descriptions of homes.

Accommodation of children in voluntary homes

16. (1) Notwithstanding any agreement made in connection with the placing of a child in a voluntary home under this Part, the Director may at any time, and shall, if required to do so by the managers of the home, remove the child from the home.

(2) No child in the care of the Director shall be placed for more than two months in a voluntary home which does not afford facilities for him receive a religious upbringing, appropriate to the persuasion to which he belongs.

Power of the Director to arrange for the emigration of children in his care

17. (1) The Director may, with the consent of the Governor, procure or assist in procuring the emigration of any child in his care.

(2) The Governor shall not give his consent under this section unless he is satisfied that emigration would benefit the child and that suitable arrangements have been or will be made for the child's reception and welfare in the country to which he is going, that the parents or guardians of the child have been consulted or that it is not practicable to consult them and that the child consents:

Provided that, where a child is too young to form or express a proper opinion on the matter, the Governor may consent to his emigration notwithstanding that the child is unable to consent thereto in any case where the child is to emigrate in company with a parent, guardian or relative of his or is to emigrate for the purpose of joining a parent, guardian, relative or friend.

(3) The expression "parents or guardian " in subsection (2) shall be construed in accordance with the provisions of section 9.

Burial of deceased children

18. (1) The Director may cause to be buried the body of any deceased child who immediately before his death was in the care of the Director.

(2) Where the Director exercises the powers referred to in subsection (1) he may, if at the time of his death the child had not attained the age of sixteen years, recover from any parent of the child any expenses incurred by him under subsection (1).

(3) Any sums recoverable by the Director under subsection (2) shall, without prejudice to any other method for the recovery thereof, be recoverable as a civil debt.

(4) Nothing in this section shall affect any enactment regulating or authorizing the burial of the body of a the recovery thereof, be recoverable as a civil debt.

Provision of hostels for persons under twenty-one

19. The Director may provide hostels for persons—

(a) who are over twelve years of age but have not attained at the age of twenty-one;

(b) who are, or have been at any time after ceasing to be of twelve years of age, in the care of the Director,

for their accommodation near the place where they may be employed, or seeking employment or in receipt of education or training.

Power of Director to defray expenses of

20. The Director may make payments to any parent or guardian of or other person connected with a child in his care in respect of traveling, subsistence or other expenses incurred by the parent, guardian or other person in visiting the child or attending his funeral if it appears to the Director that the parent, guardian or

parents, etc.
visiting children or
attending funerals

other person would not otherwise be able to visit the child or attend the funeral without undue hardship.

PART IV.

CONTRIBUTION TOWARDS MAINTENANCE OF CHILDREN

Contribution in
respect of children
in the care of the
Director

21. (1) The Director shall arrange with the father and mother or the person who was the legal guardian of a child prior to him being taken into care by the Director for a in the care of contribution according to their means towards the maintenance of the child who is in the care of the Director.

(2) Where an agreement cannot be reached or is not being complied with the Director shall complain to the Court of the District in which the person liable to contribute resides, and the Court may make an order for the payment according to the means of the person towards the maintenance of the child.

(3) No order for the payment of maintenance by a father or mother or person who was legal guardian before the child was received by the Director shall be made where the child has attained the age of sixteen years.

(4) A person in care who haw attained the age of sixteen years and is engaged in remunerative full-time work shall be liable to make contributions in respect of himself and where no agreement can be reached or is not being complied with the Court of the District in which the person resides may make an order for the payments of an appropriate amount according to means.

(5) A contribution order made under this section shall remain in force as long as the child is in the care of the Director provided that a person contributing may at any time apply to the Court of the District in which he resides for the order to be amended or discharged on the grounds that his circumstances have changed since the order was made.

Contribution in
case of illegitimate
children.
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22. Where an illegitimate child is received into care by the Director under section 3 or as a fit person under the provisions of the Juvenile Offenders Law, the Director may apply to the Court within whose area the putative father resides for the payment, directly to the Director, of such amount by way of maintenance of such child as the Court may direct.

PART V.

VOLUNTARY HOMES AND VOLUNTARY ORGANIZATIONS

Definition of
voluntary homes

23. In this Part the expression «voluntary home» means any home or other institution for the boarding, care and maintenance of children not being a registered school or recognized medical institution and not being carried on by, or on behalf of, the Director.

Registration of
voluntary homes

24. (1) After the expiration of three months from the date of the commencement of this Law no voluntary home shall be carried on unless it is registered under this Law in a register to be kept for this purpose by the Director.

(2) Application for registration under this section shall be made by the persons carrying on or intending to carry on the home to which the application relates and shall be made in such a manner and accompanied by such particulars as may be prescribed by Regulations.

(3) On an application duly made under subsection (2)—

(a) if the home to which the application relates was at the commencement of this Law open for the reception of children the application shall be granted;

(b) in any other case the Director may either grant or refuse the application as he thinks fit but where he refuses the application he shall give the applicant notice in writing of the refusal.

(4) Where at any time after the expiration of three months from the date of the commencement of this Law it appears to the Director that the conduct of any voluntary home is not in accordance with Regulations made or directions given under section 26 or is otherwise unsatisfactory he may, after giving to the persons carrying on the home not less than thirty days notice in writing of his proposal so to do, remove the home from the register.

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(5) Any person who carries on a voluntary home in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding £250 and to a further fine not exceeding £25 in respect of each day during which the offence continues after conviction.

(6) Where—

- (a) a voluntary home is carried on in contravention of the provisions of subsection (1); or
- (b) notice of a proposal to remove a voluntary home from the register is given under subsection (4),

the Director may be required on the authority of the Governor to remove forthwith from the home and receive into his care under section 3 all or any of the children for whom accommodation is being provided in the home notwithstanding that the time for any appeal under section 25 has not expired or that such an appeal is pending.

For the purpose of carrying out the duty of the Director under this subsection any person authorized by him may enter any premises in which the home in question is being carried on.

(7) Any notice under this section required to be given by the Director to the persons carrying on or intending to carry on a voluntary home may be given to those persons by being delivered personally to any one of them or being sent by post in a registered letter to them or any one of them.

Appeals

25. (1) Where under section 24 application for the registration of a voluntary home is refused or it is proposed to remove a voluntary home from the register, the persons intending to carry on or carrying on the home, as the case may be, may within fourteen days from the giving of the notice under subsection (3) or subsection (4) of that section appeal against the refusal or proposal; and where the appeal is brought against a proposal to remove a home from the register the home shall not be removed therefrom before the determination of the appeal.

(2) An appeal under this section shall be brought by notice in writing addressed to the Director requiring him to refer the refusal or proposal to the Court within the District in which the voluntary home is situated.

(3) On an appeal under this section the Court may confirm the refusal or proposal of the Director or may direct that the home shall be registered or, as the case may be, shall not be removed from the register and the Director shall comply with any direction of the Court.

Regulations as to
the conduct of
voluntary homes

26. (1) The Governor may make Regulations as to the conduct of registration and the conduct of voluntary homes and for securing the welfare of the children therein and Regulations under this section may in particular—

- (a) prescribe anything which is required or permitted under this Part to be prescribed;
- (b) impose requirements as to the accommodation and equipment to be provided in homes, authorize the Director to give directions prohibiting the provision for children in any home of clothing of any description specified in the directions and impose requirements as to the medical

arrangements to be made for protecting the health of the children in the homes;

- (c) require the furnishing to the Director of information as to the facilities provided for the parents or guardians of children in the home to visit and communicate with the children and authorize the Director to give directions as to the provision of such facilities;
- (d) authorize the Director to give directions limiting the number of children who may at any one time be accommodated in a particular home;
- (e) provide for consultation with the Director as to applicants for appointment to the charge of a home and empower the Director to prohibit the appointment of any particular applicant there for except in the cases (if any) in which the Regulations dispense with such consultation by reason that the person to be appointed possesses such qualifications as may be prescribed by the Regulations;
- (f) require notice to be given to the Director of any change of the person in charge of the home; and
- (g) impose requirements as to the facilities which are to be given for children to receive a religious upbringing appropriate to the persuasion to which they belong,

and may contain different provisions for different descriptions of homes.

(2) Where any Regulation under this section provides that this subsection shall have effect in relation thereto, any person who contravenes or fails to comply with the Regulation or any requirement or direction there under shall be liable to a fine not exceeding £250.

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After care of
Children formerly
In the care of the
Director or
Voluntary
organizations

27. Where it comes to the knowledge of the Director that there is a child over twelve years of age who at the time when he ceased to be of that age or at any subsequent time was but is no longer—

- (a) in the care of the Director under section 3; or
- (b) in the care of a voluntary organization,

then, unless the Director is satisfied that the welfare of the child does not require it, he shall be under a duty so long as the child has not attained the age of eighteen years to advise and befriend him:

Provided that if the Director is satisfied that the voluntary organization has the facilities for advising and befriending the child then he may make arrangements for the voluntary organization to do this.

PART VI.

NURSERIES AND CHILD-MINDERS.

28. (1) The Director shall keep registers—

- (a) of premises, other than premises wholly or mainly used as private dwellings, where children are received to be looked after for the day or a substantial part thereof or for any longer period not exceeding six days;
- (b) of persons who for reward receive into their homes children under the age of six to be looked after as aforesaid.

Registration of
Nurseries and
Child-minders

(2) Any person receiving or proposing to receive children as mentioned in paragraph (a) or (b) of subsection (1) may make application to the Director for registration thereupon and on receipt of such an application the Director shall, subject to the provisions of this section, register the premises to which or person to whom the application relates.

(3) The Director may refuse to register any premises if he is satisfied that any

person employed or proposed to be employed in looking after children at the premises is not a fit person to look after children or, where the premises were not at the commencement of this Law in use for the reception of children as mentioned in paragraph (a) of subsection (1), if the Director is satisfied that the premises are not fit to be used for that purpose.

(4) The Director may refuse to register any person if he is satisfied that that person or any person employed or proposed to be employed by him in looking after children is not a fit person to look after children or that the premises in which the children are received or proposed to be received are not fit (whether because of the condition thereof or for any reason connected with other persons therein) to be used for the purpose.

29. (1) Director may require that no greater number of children shall be received in premises registered under section 28 than may be specified by him at the time of registration.

Power to impose requirements in connection with registration.

(2) The Director may require in the case of a person registered under section 28 that the number of children received in his home as mentioned in paragraph (b) of subsection (1) of that section, together with any other children in his home shall not exceed at any time such number as may be specified at the time of registration.

(3) The Director may in consultation with the Director of Medical Services as respects any premises or persons registered under section 28 require the taking of precautions against the exposure of the children received in the premises to infectious diseases.

(4) The Director may by order made as respects any premises registered under section 28 impose requirements for securing—

- (a) that a person with such qualifications as may be specified by the Director shall be in charge of the premises and of the persons employed thereat;
- (b) that the premises shall be adequately staffed both as respects the number and as respects the qualifications or experience of the persons employed thereat, and adequately equipped;
- (c) in the case of premises which at the commencement of this Law were in use for the reception of children as mentioned in paragraph (a) of subsection (1) of section 28 that such repairs shall be carried out on the premises or such alterations thereof or additions thereto shall be made as may be specified in the order;
- (d) that the premises and equipment thereof shall be adequately maintained;
- (e) that there shall be adequate arrangements for feeding the children received in the premises and that an adequate and suitable diet shall be provided for them;
- (f) that the children received in the premises shall be under adequate medical supervision;
- (g) that records shall be kept in relation to the children received at the premises containing such particulars as may be specified at the time of registration.

(5) A requirement under paragraph (c) of subsection (4) may be made either on registration or at any time within one month thereafter and any other requirement under this section may be made either on registration or at any subsequent time.

(6) A requirement made under this section may be varied or revoked by the Director at any time subsequently.

(7) In the case of premises which at the commencement of this Law were in use

for the reception of children as mentioned in paragraph (a) of subsection (1) of section 28 no requirement shall be imposed under paragraphs (a) to (c) of subsection (4) so as to require anything to be done before the expiration of a reasonable time from the date of the commencement of this Law.

Certificates of registration.

30. (1) The Director shall issue certificates of registration under section 28 and any such certificate shall specify the situation of the premises to which, or the name and address of the person to whom, the registration relates and any requirements imposed under section 29.

(2) On any change occurring in the circumstances, particulars of which are stated in a certificate issued under this section, the Director shall issue an amended certificate.

(3) Where the Director is satisfied that a certificate issued under this section has been lost or destroyed he shall, on payment of such fee (if any) not exceeding two hundred mils as he may determine issue a copy of the certificate.

Penalties for failure to register and for breach of requirements under section 29

31. (1) If at any time after the expiration of three months from the date of the commencement of this Law a child is received in any premises as mentioned in paragraph (a) of subsection (1) of section 28 and the premises are not registered under that section, or any requirement imposed under section 29 is contravened or not complied with, the occupier of the premises shall be guilty of an offence.

(2) Where at any such time as aforesaid a person receives as mentioned in paragraph (b) of subsection (1) of section 28 children of whom he is not a relative and—

(a) the number of the children exceeds two; and

(b) the children come from more than one household,

then, if he is not registered under section 28 or if he contravenes or if he fails to comply with any requirement imposed under section 29, he shall be guilty of an offence.

(3) Where a person has been registered under section 28 and while he is so registered he acquires a new home, then until he has given notice thereof to the Director he shall not for the purposes of subsection (2) be treated as being so registered in relation to the reception of children in the new home.

(4) A person guilty of an offence under this section shall be liable to a fine not exceeding £125 or in the case of a second or subsequent offence to imprisonment for a term not exceeding one month or to a fine not exceeding £75 or to both such imprisonment and fine:

4 του Ν.166/87
3(1) του Ν.166/87

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Provided that in the case of a first offence under subsection (2) the fine which may be imposed shall not exceed £25.

32. Where-

Cancellation of registration.

(a) there has been a contravention of or non-compliance with any requirement imposed under section 29 in relation to any premises or person registered under section 28; or

(b) it appears to the Director as respects any premises or person registered under the said section 28 that circumstances exist which would justify a refusal under subsection (3) or subsection (4) of that section to register the premises or person,

the Director may cancel the registration:

Provided that, where a requirement to carry out repairs or make alterations or additions has been imposed under paragraph (c) of subsection 4 of section 29 the

registration of the premises shall not be cancelled by virtue of paragraph (b) of this section on the grounds that the premises are not fit to be used for the reception of children if—

- (ii) the time limited by subsection (7) of the said section 29 for complying with the requirement has not expired, and
- (ii) it is shown that the condition of the premises is due to the repairs not having been carried out or the alterations or additions not having been made.

Appeals

33. (1) Not less than fourteen days before refusing an application for registration, canceling any registration or imposing any requirement under section 29, the Director shall send to the applicant, to the occupier of the premises to which the registration relates or to the person registered, as the case may be, notice of his intention to refuse such an application or cancel such a registration or to impose such a requirement.

(2) Every such notice shall state the grounds on which the Director intends to refuse or cancel the registration or to impose any requirement and shall contain an intimation that if within fourteen days after the receipt of the notice, the said applicant, occupier or person informs the Director in writing of his intention or desire to show cause in person or by representative, why the registration should be allowed or not be cancelled or the requirement not imposed, the Director shall, before refusing any such registration or cancelling such registration or imposing such condition, afford him an opportunity so to do.

(3) If the Director, after giving the said applicant, occupier or person such an opportunity as aforesaid, decides to refuse the application, cancel the registration or impose the requirement, as the case may be, he shall proceed so to do and shall send the applicant, occupier or person a copy of the decision.

(4) A person aggrieved by a decision under this Part to refuse or cancel a registration or impose a requirement under section 29 may, within fourteen days of the receipt of the decision by him, appeal to the Court of the District where the premises are situated, if the decision relates to the registration of premises, or of the District where the person in question resides, if the decision relates to the registration of a person; and an order cancelling registration shall not take effect until the expiration of the time within which an appeal may be brought under this section or, where such an appeal is brought, before the determination of the appeal.

(5) Any notice required to be sent under subsection (1) and any copy of a decision requiring to be sent under subsection (3) may be sent by post in a registered letter.

Power of entry and inspection

34. (1) Any person authorized in that behalf by the Director may at all reasonable times enter any premises which are used for the reception of children as mentioned in paragraph (a) of subsection (1) of section 28 and may inspect the premises and the children so received therein, the arrangements for their welfare, and any records relating to them kept in pursuance of this Part.

(2) If any person authorized as aforesaid is refused admission to the home of a person registered under section 28, or has reasonable cause to believe that children are being received in a person's home or in any other premises in contravention of section 31, he may apply to a judge and if the judge is satisfied on sworn information in writing that admission has been refused, or, as the case may be, that there is reasonable cause to believe that children are being received as aforesaid, the judge may grant a warrant authorizing the applicant to enter the home or other premises and carry out any such inspection as is mentioned in subsection (1) of this section.

(3) A person who proposes to exercise any power of entry or inspection conferred by or under this section shall if so required produce some duly authenticated

document showing his authority to exercise the power.

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(4) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and shall be liable to a fine not exceeding £25 in the case of a first offence or £100 in the case of a second or any subsequent offence.

(5) For the purposes of this section "judge" means a member of the District Court of the District where the home or other premises are situated.

Exemption of
certain institutions
from provisions of
this Part

35. (1) Nothing in this Part shall apply to the reception of children in any hospital or any such home or other institution as is mentioned in section 51.

(2) Nothing in this Part shall apply to the reception of children in a nursery school approved, or supported, by the Director.

3) Nothing in this Part shall apply to the reception of children in any school notwithstanding that they are received to be looked after and not for the purpose of education.

Exclusion of
sections 31 and 34
where Part VIII
applies.

36. (1) Where premises falling within paragraph (a) of subsection (1) of section 28 are used mainly for the reception of children for periods exceeding six days and in such circumstances that Part VIII of this Law applies, sections 31 and 34 of this Law shall not apply to the premises and the provisions of Part VIII as to entry and inspection shall extend to all children received in the premises.

(2) where a person receives children into his home in such circumstances that apart from this subsection he would be required by subsection (2) of section 31 to be registered under section 28, then so long as provision for entry and inspection as respects any of those children or any other child received into his home is made by or under Part VIII—

(a) sections 31 and 34 shall not apply;

(b) the said provisions for entry and inspection shall apply in relation to all the children aforesaid.

Exclusion of Part
VIII where
premises are
registered under
this Part

37. Where premises registered under section 28 are used wholly or mainly for the reception of children as mentioned in paragraph (a) of subsection (1) of that section the provisions of Part VIII as to entry and inspection shall not apply in relation to any children received at the premises and the provisions of section 34 shall apply in relation to all children received thereat.

PART VII

REMAND HOMES

Provision of
remand homes

38. (1) It shall be lawful for the Director to provide for remand homes and for this purpose he may arrange with the occupiers of any premises for the purpose of their being used as a remand home or may himself establish such a home.

(2) The Director may contribute towards the expenditure incurred by any society or person in establishing, enlarging or improving an institution for the purpose of its being used as a remand home.

(3) Nothing in this section shall be construed as requiring the Director to provide additional remand homes so long as any places for the care of children provided under this Law are available for use as remand homes.

Provisions as to
custody of children
under the age of
sixteen years in
remand homes

39. (1) The order or judgment in pursuance of which a child under the age of sixteen years is committed to custody in a remand home shall be delivered with the child to the person in charge of the home and shall be sufficient authority for his detention in the home in accordance with the tenour thereof.

(2) A child under the age of sixteen while so detained and while being conveyed to or from a remand home shall be deemed to be in legal custody.

(3) The Director shall cause remand homes to be inspected and may make rules

for their inspection, regulation and management and for the classification, treatment, employment, discipline and control of the persons detained in custody therein, and for the visitation of such persons from time to time by persons appointed in accordance with the rules.

(4) A child under the age of sixteen who escapes from a remand home may be apprehended without warrant, and brought back thereto, and any person who knowingly assists or induces a child under the age of sixteen so to escape or who knowingly harbours or conceals a child who has so escaped, or prevents him from returning, shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding £150 or to both such imprisonment and fine.

40. (1) Where an order has been made by a Court committing a child under the age of sixteen to a remand home it shall be the duty of the father or mother or person who was the legal guardian prior to any Court order or to the reception of the child into care by the Director to make contributions in respect of him.

Contributions to be made by parents, etc., of children committed to remand homes

(2) On making any such order as aforesaid, the Court will proceed to assess the earnings of the persons liable to contribute and shall make a further order for the payment to the appropriate person or authority of a suitable amount of maintenance.

(3) Nothing in this section shall allow the avoidance by a father or mother of their liability to contribute because he or she has deserted the other or the matrimonial home or for any other reason does not reside there.

(4) Subject to the provisions of this subsection, a contribution order shall be enforceable as a maintenance order made under section 183 of the Criminal Code.

Cap. 154

PART VIII.

FOSTER CHILD PROTECTION.

41. (1) A person who undertakes for reward the nursing and maintenance of a child under the age of sixteen years apart from his parents or having no parents shall give notice thereof to the Director not less seven days before for he receives the child, or if the child was received in an emergency, within forty-eight hours of receiving the child.

Notices to be given by persons receiving children for reward.

For the purpose of this subsection an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth or any promise to pay or give money or money's worth irrespective of whether there is any intention of making profit.

(2) The notice required by subsection (1) shall state the name and sex of the child, the date and place of his birth, the name of the person undertaking his nursing and maintenance, any premises in which he is to be or is being kept whether in the day time or at night and the name of the person from whom he is to be or was received.

(3) In the following provisions of this Part a child under the age of sixteen years in respect of whom a notice has been or ought to have been given under this section is referred to as a "foster child".

42. (1) If a person who is maintaining a foster child changes his residence he shall at least seven days before doing so give notice to the Director:

Notice to be given if residence is changed or if foster child dies or is removed

Provided that where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence.

(2) If a foster child dies or is removed (or removes himself) from the care of the person who has undertaken his nursing and maintenance that person shall within

twenty-four hours thereof give to the Director, and to the person from whom the child was received notice in writing of the death or removal and in a case of removal the notice shall also state the name and address of the person (if any) to whose care the child has been transferred.

Penalties for failure to give notices

43. (1) If any person required to give a notice under either section 41 or section 42 fails to give the notice before the latest time specified for giving the notice he shall be guilty of an offence and any consideration for the nursing or maintenance of the child in respect of whom notice ought to have been given shall, in addition to any other penalty under this Part, be liable to forfeit or such less sum as the Court, having cognizance of the case, may deem just and the sum forfeited shall be applied for the benefit of the child in such manner as the Court may direct.

(2) Where under this section any such sum as aforesaid is ordered to be forfeited, the order may be enforced as if it were an order for the payment of a civil debt.

3(1) του Ν.166/87

(3) Any person guilty of an offence under the foregoing provisions of this Part shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine and the Court may order any child in respect of which the offence was committed to be removed to a place of safety.

Supervision of foster children

44. (1) It shall be the duty of the Director to detail welfare officers to visit from time to time any foster children and the premises in which they are being kept in order to satisfy themselves as to the health and welfare of the children and to give any necessary advice or directions as to the care of their health and maintenance.

(2) If a person who undertakes the nursing and maintenance of a foster child refuses to allow any such visitor or other duly authorised person to visit or examine the child or the premises in which the child is kept he shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

3(1) του Ν.166/87

(3) If any welfare officer or other person authorized to visit foster children by the Director is refused admission to any premises in contravention of this Part or has reason to believe that a child under the age of sixteen is being kept in any premises in contravention of this Part he may apply to the Court of the District where the foster child is and the Court, if satisfied, on sworn information, in writing, that admission has been so refused, or that there is reasonable ground for believing that an offence under this Part has been committed, may grant a warrant authorizing the welfare officer or other person to enter the premises for the purpose of ascertaining whether any such offence as aforesaid has been committed and if any person obstructs any welfare officer or other person acting in pursuance of such warrant he shall be liable to six months imprisonment or a fine not exceeding £450 or to both such imprisonment and fine.

3(1) του Ν. 166/87

Persons prohibited from receiving foster children. Cap. 157

45. A foster child shall not, without the consent of the Director, be received or kept—

(a) by any person from whose care any child has been removed under this Part or under section 64 of this Law or under section 14 of the Juvenile Offenders Law;

(b) in any premises from which any child has been removed under this Part by reason of the premises being dangerous or insanitary or by reason of the premises being so unfit as to endanger the health of the child,

3(1) του Ν. 166/87

and any person keeping a foster child contrary to this section, or causing a foster child to be so kept, shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450, or to both such imprisonment and fine, and the Court may order any child in respect of which the offence was committed to be removed to a place of safety.

Power of the

46. (1) The Director may fix the maximum number of children under the age of eighteen years who may be kept in any premises in which a foster child is kept and

Director to prevent over-crowding where foster children are kept

may also impose conditions to be complied with so long as the children kept in the premises exceed a specified number.

(2) If the maximum number so fixed is exceeded, or if any condition so imposed is not complied with, a person who keeps a foster child in those premises shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

3(1) Tou N. 166/87

Removal of foster children kept in unsuitable premises or by unsuitable people

47. (1) If a foster child is about to be received or is being kept—

- (a) in any premises which are insanitary, overcrowded or dangerous; or,
- (b) by any person who by reason of old age, infirmity, ill health, ignorance, negligence, inebriety, immorality or criminal conduct or for any other reason is unfit to have the care of the child; or
- (c) in any premises or by any person in contravention of the provisions of this Part; or
- (d) in an environment which is detrimental to the child,

the Court may, on the application of the Director, make an order for the removal of the child to a fit person or place of safety until he can be restored to his relatives or until other arrangements can be made with respect to him.

(2) An order made under subsection (1) may be enforced by a welfare officer or other person authorized for the purpose by the Director; and any person who refuses to comply with such an order upon its being produced or who obstructs any such welfare officer or person as aforesaid in the enforcement of the order shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

3(1) Tou N.166/87

Death of foster child to be notified to coroner.

48. (1) In the case of the death of a foster child, the person who had the care of the child shall, within twenty-four hours of the death, give notice in writing thereof to the coroner of the district within which the body of the child lies and the coroner shall hold an inquest thereon unless there is produced to him a certificate of a registered medical practitioner certifying that the practitioner has personally attended the child during his last illness and certifying also the cause of death and the coroner is satisfied that there is no ground for holding an inquest.

(2) If the person required to give notice under this section fails to give notice within the time specified he shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

3(1) Tou N.166/87

Prohibition of anonymous advertisements offering to undertake care of children.

49. (1) No advertisement indicating that a person or society will undertake or will arrange for the nursing or maintenance of a child shall be published unless that person's name and office address are truly stated in the advertisement.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

3(1) Tou N.166/87

Offences in connection with notices under this Part

50. If any person required to give any notice under the offences in foregoing provisions of this Part relating to child protection, knowingly makes or causes or procures any other person to make any false or misleading statement in any such notice he shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding £450 or to both such imprisonment and fine.

3(1) Tou N.166/87

51. (1) The foregoing provisions of this Part relating to child protection shall not

Exemptions from
this Part

extend to any relative or legal guardian of a child who undertakes the nursing and maintenance of a child or to any person who undertakes the nursing and maintenance of a child as a requirement as to residence imposed by an order of the Court or as a fit person or to any person who accepts a child on payment for boarding out under the supervision of the Director under the provisions of this Law or to any duly registered voluntary home or to any other institution being a school, hospital, home or institution which—

(a) is maintained by a Government Department;

(b) has been granted a certificate of exemption from the said provisions by the Director.

(2) Where a person undertakes the nursing and maintenance of children who are boarded out with that person in succession for short holidays only, by a bona fide charitable organization, the Director may exempt that person from the obligation to give notice under this Part in respect of each individual child received on condition that notice is given in respect of the first child received by that person in each year but for the purposes of other provisions of this Part, a child in respect of whom notice ought, but for this exemption, to have been given, shall be deemed to be a foster child.

(3) The Director may exempt from being visited and from inspection either unconditionally or subject to such conditions as he thinks fit any particular premises which appear to him to be so conducted that it is unnecessary that they should be visited or inspected.

(4) An exemption granted under this section may at any time be withdrawn by the Director.

PART IX.

PROVISIONS AS TO MEDICAL TREATMENT OF CHILDREN IN CARE OF THE DIRECTOR OF WELFARE SERVICES

52. (1) It shall be the duty of the Director of Medical Services or his duly authorized representative to ensure the provision of any medical attention, treatment or care to any child under the age of sixteen who is for the time being in the care of the Director.

Duties of the
Director of Medical
Services as to
medical treatment
of children under
the age of sixteen
in the care of the
director.

(2) It shall be the duty of the Director of Medical Services or his duly authorized representative to supply any medical stores, equipment, or specialist service that he considers necessary to any child under the age of sixteen who is for the time being in the care of the Director.

(3) The provisions of this section shall apply whether the child concerned is in a home or institution or boarded out with a person willing to undertake his care.

(4) Any such medical attention or equipment or services as aforesaid shall be supplied or provided by the Director of Medical Services or his duly authorized representative free of charge and without any certificate of poverty or other document as may be required of other persons eligible for attention or treatment without payment:

Provided that the Director shall provide on request any necessary certificate to show that a child is actually in his care.

(5) Where it is necessary to remove a child under the age of sixteen who is in the care of the Director to a hospital or other institution under the authority of the

Director of Medical Services or his duly authorized representative that child shall be deemed to continue in the care of the Director:

Provided that the Director shall not in any such case exercise his powers in respect of the child in any way so as to interfere with the medical attention or treatment or advice of the Director of Medical Services or his duly authorized representative.

Medical examination of children under the age of sixteen

53. (1) The Director of Medical Services or his duly authorized representative shall have power to medically examine any child under the age of sixteen who is not in the care of the Director if the Director has reason to believe that the child is in need of such examination or for some reason requires a report as to his physical or mental condition and requests in writing the Director of Medical Services or his duly authorized representatives to conduct such an examination.

(2) The Director of Medical Services or his duly authorized representatives shall have power to carry out an examination of a child under the age of sixteen as provided in subsection (1) notwithstanding any objection of any parent or guardian of the child:

Provided that no such examination shall be carried out by the Director of Medical Services or his duly authorized representative in the event of such an objection by the parent or guardian unless the Director states in writing the reasons for requesting such an examination and the Director of Medical Services or his duly authorized representatives are satisfied that such reasons are adequate and an examination is necessary in the interests of the child.

(3) Any person who obstructs the Director of Medical Services or his duly authorized representatives in the execution of his duty imposed by subsection (2) shall be liable to a fine not exceeding £125.

4 tou N.166/87

PART X

PREVENTION OF CRUELTY, NEGLECT AND EXPOSURE TO MORAL AND PHYSICAL DANGER

Cruelty to persons under sixteen.

54. (1) If any person who has attained the age of sixteen years and has the custody, charge or care of any child under that age, willfully assaults, ill-treats, neglects, abandons or exposes him or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering or injury to 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 an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding £1000 or to both such imprisonment and fine.

(2) For the purposes of this section—

3(1) tou N.166/87

(a) 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 has failed to provide adequate food, clothing, medical aid or lodging for him or if, having been unable otherwise to provide such food, clothing or medical aid, he failed to take other steps to procure it;

(b) 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) while the infant was in bed with some other person who has attained the age of sixteen years that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

(3) A person may be convicted of an offence under this section—

- (a) notwithstanding that actual suffering or injury to health or the likelihood of actual suffering or injury to health was obviated by the action of another person;
- (b) notwithstanding the death of the child in question.

(4) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child and had knowledge that that sum of money was accruing or becoming payable then the sum payable shall be forfeited by the Court and the maximum amount of fine which may be imposed under this section shall be £1500 and the Court shall have power in lieu of awarding any other penalty under this section to sentence the person convicted to imprisonment not exceeding five years.

3(1) του Ν.166/87

(5) For the purposes of subsection (4)—

- (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and
- (b) a copy of a policy of insurance certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child therein stated to be insured has in fact been so insured and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(6) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him.

55. (1) If any person having the custody, charge or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon her, he shall be liable to imprisonment for a term not exceeding two years.

Causing or encouraging seduction or prostitution of girl under sixteen

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

56. (1) Any person who sells to a person apparently under the age, of fourteen years any tobacco or alcoholic liquor for his own use shall be guilty of an offence and shall be liable, in the case of a first offence to a fine not exceeding £25, in the case of a second offence to a fine not exceeding £25, and in the case of a third or subsequent offence to a fine not exceeding £50:

Sale of tobacco etc. to persons under fourteen.
4 του Ν.166/87
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4 του Ν.166/87

Provided that a person shall not be guilty of an offence under this section in respect of any sale of tobacco otherwise than in the form of cigarettes, if he did not know and had no reason to believe that the tobacco was for the use of the person to whom it was sold.

(2) It shall be the duty of a police officer to seize any tobacco or alcoholic liquor in the possession of any person apparently under the age of fourteen years whom he finds smoking or drinking in any street or public place, and any tobacco or alcoholic liquor so seized shall be disposed of, if seized by a police officer, in such manner as the police authority may direct.

(3) Nothing in this section shall make it an offence to sell tobacco to, or shall authorize the seizure of tobacco in the possession of, any person who is at the time employed by a manufacturer of, or dealer in, tobacco, either wholesale or retail, for

the purposes of his business, or who is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(4) For the purposes of this section the expression "tobacco" includes cigarettes and smoking mixtures intended as a substitute for tobacco; the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking and the expression "alcoholic liquor" includes beer, porter, cider, zivania, brandy, whisky, sherry or any spirits or wines except where medically prescribed in writing or ordered by a medical practitioner in an emergency.

Causing or allowing persons under sixteen to be used for begging.
3(1) του Ν.166/87

57. (1) If any person causes or procures any child under the age of sixteen years, or having the custody, charge or care of such a child, allows him to be in any street, premises or place, for the purpose of begging or receiving alms, or inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise) he shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding £150 or to both such imprisonment and fine.

(2) If any person having the custody, charge or care of a child is charged with an offence under this section and it is proved that the child was in any street, premises or place for any such purpose as aforesaid and that the person charged allowed the child to be in the street, premises or place, he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

(3) If any person while singing, playing performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall for the purposes of this section be deemed to be in that street or place for the purpose of inducing the giving of alms.

Exposing children under seven to risk of burning.
4 του Ν.166/87

58. If any person who has attained the age of sixteen years, having the custody, charge or care of any child under the age of seven years, allows the child to be in any room containing an open fire not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk and by reason thereof the child is killed or suffers serious injury he shall be guilty of an offence and shall be liable to a fine not exceeding £50.

Failing to provide for the safety of children at entertainments

59. (1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of persons attending are children, then if the number of children attending exceeds fifty, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties to prevent more children or other persons being admitted to the building or to any part thereof, than the building or part can properly accommodate and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier of a building permits for hire or reward the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) Where entertainment is provided in any building it shall be the duty of the person providing the entertainment to prohibit admission to children under three years of age whether accompanied by their parents or not:

Provided that if the entertainment is in an open-air enclosure this subsection shall only apply after 9.30 p.m.

(4) Where the entertainment provided includes the exhibition of any cinematograph film or part of a film it shall be the duty of the person providing the entertainment to ensure that admission is refused to any person under sixteen years of age whether accompanied by an adult or not if the classification of the Board of Censors shows the film, to be unsuitable for exhibition to persons under

sixteen years of age.

(5) Ο επιχειρηματίας ή ο διευθυντής ή το πρόσωπο που έχει υπό τον έλεγχο του υποστατικό που λειτουργεί ως μπυραρία ή μπαρ ή μουσικοχορευτικό κέντρο ή δισκοθήκη ή καμπαρέ υποχρεούται να διασφαλίζει ότι δε θα εισέρχεται στο υποστατικό αυτό οποιοδήποτε πρόσωπο ηλικίας κάτω των δεκαέξι χρόνων.

2(α) του
N.83(1)/99.

(6) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be guilty of an offence and shall be liable to a fine not exceeding, in the case of a first offence, πεντακόσιες λίρες ή ποινή φυλάκισης που δεν υπερβαίνει τους τρεις μήνες ή και στις δύο ποινές and, in the case of a second or subsequent offence, χίλιες λίρες ή ποινή φυλάκισης που δεν υπερβαίνει τους έξι μήνες ή και στις δύο ποινές and also if the building is subject to the grant of any licence that licence may be revoked by the authority responsible for granting it.

2(β) του N.83(1)/99

2(γ) του N.83(1)/99
2(γ) του N.83(1)/99

(7) Any police officer or welfare worker may enter any building in which he has reason to believe that such an entertainment as aforesaid is being or is about to be provided with a view to seeing whether the provisions of this section are carried into effect.

2(β) του N.83(1)/99

60. (1) Any person who prints, publishes, sells or lets on hire any book, magazine or other like work which consists wholly or partly of stories told in pictures (with or without written matter) portraying the commission of crimes, acts of violence or cruelty or incidents of a repulsive or horrible nature in such a way that the work as a whole would tend to corrupt a child under the age of sixteen years into whose hands it might fall (whether by inciting or encouraging him to commit crimes or acts of violence or cruelty or in any other way whatsoever) shall be liable on conviction to a fine not exceeding £450 or imprisonment not exceeding four months or to both such fine and imprisonment.

Publication of
harmful matter

(2) Any police officer or welfare worker may confiscate any such work as aforesaid and any work so seized shall be destroyed, or disposed of, according to the instructions of the Court.

3(1) του N.166/87

(3) Any Court may, if satisfied on sworn information that there is reasonable ground for believing that such works are being kept in a building or place within its jurisdiction or that an offence under this section is being committed in a building or place within its jurisdiction, on the application of a police officer or welfare officer, grant a warrant to search such a building or place and seize any such works found there.

61. (1) Any police officer may take into custody without warrant—

(a) any person who within his view commits any of the offences mentioned in the Schedule to this Law if the police officer does not know and cannot ascertain his name and address;

Power to take
offenders into
custody.
Schedule

(b) any person who has committed or whom he has reason to believe to have committed any of the offences mentioned in the Schedule to this Law if the officer has reasonable grounds for believing that that person will abscond or does not know and cannot ascertain his name and address.

Schedule

(2) Where, under the powers conferred by this section a police officer arrests any person without warrant, an officer not below the rank of inspector or officer in charge of the police station to which the person is brought shall, unless in his belief the release of the 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 recognizance with or without sureties as may in the judgment of the officer of police be required to secure his attendance upon the hearing of the charge.

62. For the purposes of this Part—

Interpretation of Part X.

- (a) any person who is the parent or legal guardian of a child under the age of sixteen years or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and mother, the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted or otherwise does not reside with, the mother and the child;
- (b) any person to whose charge a child under the age of sixteen years is committed by any person who has the custody of him shall be presumed to have the charge of the child;
- (c) any other person having actual possession or control of a child under the age of sixteen years shall be presumed to have the care of him.

PART XI

CHILDREN IN NEED OF CARE AND PROTECTION

63. (1) For the purposes of this Part a child in need of care or protection means a person under the age of sixteen years who is—

Definition of "in need of care or protection"

- (a) a child who having no parent or guardian or a parent or guardian unfit to exercise care and guardianship, or not exercising proper care or guardianship, is either father falling into bad associations, or exposed moral danger or beyond control or is ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health; or

- (b) a child who—

- (i) being a person in respect of whom any of the offences mentioned in the Schedule to this Law has been committed; or

Schedule

- (ii) being a member of the same household as a child in respect of whom such an offence has been committed; or

- (iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child; or

- (iv) being a female member of a household whereof a member has been convicted of incest against another female member of that household,

requires care or protection.

(2) For the purposes of this section the fact that a child under the age of sixteen years is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of- singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall without prejudice to the generality of the provisions of paragraph (a) of subsection (1) be evidence that he is exposed to moral danger.

(3) It shall be the duty of the Director if he is satisfied that a person legally liable for the care and maintenance of any child or children under the age of sixteen years intends to leave Cyprus without taking such child or children with him to object to the Administrative Secretary against the grant of passport facilities until the person concerned has satisfied the Director that the child or children are not likely before they reach the age of sixteen years to become a charge on public funds or to be exposed to moral danger or neglect by reason of lack of care and maintenance.

(4) The Administrative Secretary on receipt of such objection shall, if he thinks the objection reasonable, refuse passport facilities and notify the applicant of the Director's objections.

(5) At any time when the reasons for an objection no longer apply the Director shall advise the Administrative Secretary accordingly and will also be responsible

for providing written information to the applicant that the objection is withdrawn.

Powers of Juvenile Courts in respect of children in need of care or protection.

64. (1) If a Juvenile Court is satisfied that any person brought before the Court under this section by the Director or any police officer is a child in need of care or protection the Court may either—

- (a) order him to be sent to a reform school; or
- (b) commit him to the care of a fit person, whether a relative or not who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a welfare officer or probation officer.

(2) The Director or any welfare officer or any police officer having reasonable grounds for believing that a child is in need of care or protection may bring him before a Juvenile Court; and it shall be the duty of the Director to bring before a Juvenile Court any child who appears to him to be in need of care or protection unless he is satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) An order made under paragraph (d) of subsection (1) of this section placing a child under the supervision of a welfare officer or a probation officer may require the child to comply during the whole or any part of the period specified in the order with such requirements as the Juvenile Court, having regard to the circumstances of the case, considers necessary for the care or protection of the child and, without prejudice to the generality of this subsection, such order may include requirements relating to the residence of the child.

Powers of other Courts with respect to section 64

65. (1) Any Court by or before which a person is convicted of having committed in respect of a child under the age of sixteen any of the offences mentioned in the Schedule or any offence under this Law may direct that the child be brought before a Juvenile Court with a view to that Court making such order under section 64 may be proper.

(2) Where any Court has, under this section, directed that a child under the age of sixteen be brought before a Juvenile Court it shall be the duty of the Director to bring him before such a Court under subsection (1) of section 64.

66. Where the parent or guardian of a child under the age of sixteen proves to a Juvenile Court that he is unable to control the child, the Court if satisfied—

Power of parent or guardian to bring a child or young person before a Juvenile Court

- (a) that it is expedient so to deal with the child; and
- (b) that the parent or guardian understands the results which will follow from, and consents to the making of the order,

may order the child to be sent to a reform school or may order him for a specified period, not exceeding three years, to be placed under the supervision of a welfare officer or probation officer or as an alternative, or in addition to any such order as above, may commit him to the care of a fit person, whether a relative or not who is willing to undertake the care of him:

Provided that such child shall not be sent to a reform school without the agreement of the person responsible for the administration of the reform school.

Supervision by welfare officers or probation officers

67. (1) Where a Court makes an order under any of the foregoing provisions of this Part placing a child under the age of sixteen under the supervision of a welfare officer or probation officer that officer shall while the order remains in force, visit, advise and befriend him and when necessary endeavour to find him suitable employment and may if it appears necessary in his interests to do so, at any time while the order remains in force, and he is under the age of sixteen years, bring him

before a Juvenile Court and that Court may, if it thinks that it is desirable in his interests so to do, order him to be sent to a reform school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) For the purposes of this section a supervision order made under this Part shall be deemed to place the child under the supervision of any welfare or probation officer of the Social Welfare Department.

68. (1) A welfare officer or police officer or any person specially authorized by a Court may take to a place of safety any child under the age of sixteen in respect of whom any of the offences mentioned in the Schedule has been or is believed to have been committed or who is about to be brought before a Juvenile Court in accordance with any of sections 64 to 67, and a child or young person so taken to a place of safety, may be detained there until he can be brought before a Juvenile Court.

Removal or
remand of a child
under the age of
sixteen to a place
of safety.
Schedule

(2) If a Juvenile Court before which any child under the age of sixteen is brought is not in a position to decide whether any and if so what order ought to be made under sections 63 to 67, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety or for his committal to the care of a fit person whether a relative or not who is willing to undertake the care of him.

(3) An interim order under subsection (2) shall not remain in force for more than twenty-eight days; but if at the expiration of that period the Court deems it expedient to do so it may make a further interim order.

(4) A Juvenile Court which considers it expedient to make an interim order under this section may direct that during the period of the order the child shall be kept under observation or medically examined or that suitable social and personal investigations shall be made so as to furnish the Court at the next hearing with any reports considered necessary for the Court to deal with the case.

69. (1) Before making an order under this Law committing a child under the age of sixteen years to the care of a fit person, the Court shall endeavour to ascertain the duration and religious persuasion of the child, and in selecting the person to whose care the child is to be committed, the Court shall if possible select a person who is of the same religious persuasion as the child or who undertakes to bring up the child in accordance with that religious persuasion.

Provisions as to
making, duration
and effect of
orders of
committal to fit
persons

(2) Every order committing a child under the age of sixteen years to the care of a fit person shall contain a declaration—

- (a) as to the age; and
- (b) as to the religious persuasion,

of the child with respect to whom it is made.

(3) Every order committing a child under the age of sixteen to the care of a fit person shall, subject to the provisions of this Law, remain in force until he attains the age of eighteen years.

(4) The Court making an order for committal to a fit person shall have the power at any time to amend or revoke the order if it appears in the interests of the welfare of the child expedient so to do.

(5) The person to whose care a child under the age of sixteen is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance if he were his parent and the person so committed shall continue in his care notwithstanding any claim by a parent or by any other person.

(6) A child under the age of sixteen who runs away from a person to whose care he has been committed under the provisions of this Law may be apprehended without warrant and brought back to that person if he is willing to receive him and if he is not willing to receive him he may be brought—

- (a) if the order committing him to the care of that person was made by a District Court or Juvenile Court before the Juvenile Court in whose area he is apprehended; or
- (b) in any other case before a Juvenile Court for the area in which he was residing before he ran away and that Court may make any order respecting him which the Court might have made if he had been brought before it as being a child who was beyond control.

Committal to the Director as a "fit person"

70. (1) The Director shall for the purposes of the provisions of this Law relating to the making of orders committing a child under the age of sixteen years to the care of a fit person be deemed to be a fit person subject to the consent of the Director to the making of such an order.

(2) Where a Court contemplates the committal of a child under the age of sixteen years to the care of the Director as a fit person the Court shall give due regard to any application by the Director for a period of remand to enable any necessary enquiries to be made or to ensure the provision of suitable accommodation for the child.

(3) A child under the age of sixteen who runs away from any person with whom he has been boarded out by the Director or his duly authorized representative may be apprehended without warrant and brought back to that person or to any person that the Director or his duly authorized representative may direct.

(4) Any person who knowingly—

- (a) assists or induces (or persistently attempts to induce) a child to run away from a person to whose care he has been committed by a Court or with whom he has been boarded out by the Director or his duly authorized representative;
- (b) harbours or conceals a child who has so run away or prevents him from returning,

shall be guilty of an offence and shall be liable to a fine not exceeding £150 or to imprisonment not exceeding two months or to both such fine and imprisonment.

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Power of Juvenile Court to require attendance of parent or guardian

71. Where a child is brought before a Juvenile Court under the provisions of this Law the Court may, in its discretion, require the attendance of his parent or guardian and may make such orders as are necessary for the purpose.

Power of Juvenile Court to order maintenance of child

72. (1) Where a child is brought before a Juvenile Court under the provisions of this Law the Court, in addition to, or in lieu of any other order which it is empowered to make, order main-may, if it appears to the Court that the parent, guardian or other person liable to maintain the child possesses the means to contribute in whole or in part to his maintenance, make an order on such parent, guardian or other person (hereinafter in this section referred to as "the maintenance order") to contribute to the maintenance of such child, for such period as may be specified in the maintenance order, such sum as may appear to the Court that such parent, guardian or other person is reasonably able to contribute.

(2) A maintenance order may be made on the complaint or application of the Director or any welfare officer or any police officer and the sum contributed by the parent, guardian or such other person shall be paid to the Director or any welfare officer or any police officer making the complaint or application and shall be applied for the maintenance of the child.

(3) A maintenance order may, at any time, be altered, varied, suspended or discharged by the Court and the Court may, upon application of the Director or any welfare officer or any police officer, from time to time, increase or diminish the amount of any payment ordered to be made.

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(4) Where any person who without proper cause fails to comply with a maintenance order, the Court may order that the arrears due under the maintenance order be levied and recovered as a penalty in all respects in accordance with and subject to the provisions of the Criminal Procedure Law or of any Law amending or substituted for the same including the power to commit to prison in lieu of issuing a warrant for execution, provided that in order shall be made for the recovery of arrears falling due more than six months prior to the making of the order.

(5) No warrant of execution or of commitment under subsection (4) of this section shall affect the force and effect of a maintenance order unless the Court shall otherwise direct.

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(6) When any parent, guardian or other person has, under this section, been ordered to contribute to the maintenance of a child, he shall give notice of any change of address to the Registrar of the Court which made the order and, if he fails to do so without reasonable excuse, he shall be liable to a fine not exceeding £25.

SCHEDULE.

{Sections 61 and 63.}

1. Any offence under sections 149, 154 or 161 of the Criminal Code or under sections 150, 151, 152, 157, 159, 162, 165, 171, 172, 173, 174, 242 or 243 of the Criminal Code when the offence is committed in respect of a child.

2. Any offence under sections 54 to 58 (both inclusive) of this Law.

3. Any other offence involving bodily injury to a child.