

## A BILL

An Act to establish all Children's Authority of Trinidad and Tobago  
to act as the guardian of the children of Trinidad and Tobago

Preamble

**WHEREAS** it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with section 4 and 5 of the Constitution, and if any Act does so declare it shall effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one of the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three fifths of all members of the House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

### PART I

#### PRELIMINARY

Short title

1. This Act may be cited as the Children's Authority Act, 1999.

Commencement

2. This Act comes into operation on a day fixed by the President by

Proclamation

Interpretation

3. In this Act, unless the context otherwise requires –

“Assumption Order” means an order of the Court made under section 25 affirming the undertaking by the Authority of the responsibility for the care and control of a child under section 23(1);

“Authority” means the Children’s Authority established under section 4;

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

“Children’s Home” means a residence for the care and rehabilitation of children;

Act No 19 of 1997

“Community Service” has the meaning assigned to it by the Community Service Orders Act, 1997;

“Court” means the Family Court established under the Family Court Act, 1999;

Chap.36.01

“fit person” has the meaning given to it by the Children’s Act;

"foster care" means the assuming of temporary care, maintenance and parental obligations by an approved foster parent in respect of a child;

“guardian” includes a person appointed by a will or by order of a Court to be the guardian of a child, or who in the opinion of the court has the charge of or control over a child;

“Minister” means the Minister to whom responsibility for the welfare of children is assigned;

“Rehabilitation Centre” means a residence for the rehabilitation of youthful offenders, in which youthful offenders are lodged, clothed, and fed as well as taught;

Chap.

“Community Residence” includes a Children’s Home or Rehabilitation Center licenced under the Children’s Community Residences, Foster Homes and Nurseries Act , and industrial schools and orphanages referred to in the Children’s Act;

Chap 28:07

“relative” includes a parent, step-parent, grand-parent, brother, sister, uncle or aunt;

“temporary assumption” the undertaking by the Authority of the temporary responsibility for the care and control of a child under section 23(1);

“youthful offender” means a child who is charged with committing an offence; and

"young person" means a person between the age of 15 to 17 years.

## **PART II**

### **ESTABLISHMENT OF THE CHILDREN’S AUTHORITY**

Establishment  
of Children’s  
Authority

4. There is hereby established a body Corporate to be known as the Children’s Authority of Trinidad and Tobago (hereinafter referred to as the Authority).

Powers and functions  
of Authority

5. The Authority may have and exercise such powers, functions and duties as are imposed on it by this Act and in particular-

- (a) advise the Minister on matters relating to the operation of this Act;
- (b) monitor community residences, foster homes and nurseries and conduct periodic reviews to determine their compliance with such requirements as may be prescribed;
- (c) investigate complaints of-
  - (i) staff;
  - (ii) children; and
  - (iii) parents or guardians of children,
 with respect to any child who is in the care of a community

residence, foster home or nursery, of the community

residence's, foster home's or nursery's failure to comply with requisite standards as prescribed under the Children Community Residences, Foster Homes and Nurseries Act, and any incidences of mistreatment of children in such places;

- (d) issue, revoke and withdraw licences of community residences and nurseries as provided under the Children Residences, Foster Care and Nurseries Act;
- (e) monitor agencies which address children's issues;
- (f) investigate complaints or reports of mistreatment of children in their homes;
- (g) act as an advocate for the rights of all children in Trinidad and Tobago; and
- (h) do all such things as may be necessary or expedient for the proper performance of its duties.

General duty of  
the Authority

- 6. (1) It shall be the duty of the Authority to-
  - (a) exercise such powers as are conferred on it by this Act and as may be necessary with respect to any child so as to further, in its opinion, the best interests of that child, including reuniting the child with his relatives at the earliest opportunity; and
  - (b) make such use of facilities and services available for children that are provided by other agencies or institutions, as appears reasonably necessary to the Authority.

(2) When determining what is in the best interest of a child the Authority shall take into consideration-

- (a) the love, affection, and other emotional ties existing between the parties involved and the child;
- (b) the capacity and disposition of the parties involved to-
  - (i) give the child love, affection and guidance and to continue the education and raising of the child in his or her religion or creed, if any; and
  - (ii) provide the child with food, clothing, medical care or other remedial care recognised and permitted under the laws of Trinidad and Tobago;
- (c) the length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining the status quo;
- (d) the permanence of the family unit;
- (e) the home, school and community record of the child;
- (f) the willingness and ability of each parent to facilitate and encourage a close parent-child relationship between the child and other parent or the child and the parents;
- (g) the willingness and ability of relatives to facilitate and encourage familial relationships between the child and other family members;
- (h) domestic violence, regardless of whether the violence was directed against or witnessed by the child;
- (i) the reasonable preference of the child, if the Authority

considers the child to be an age and maturity to express such preference; and

- (j) any other factor that the Authority may consider relevant to the particular child.

Board of  
Management

7. (1) The Authority shall be managed by a Board of Management (hereinafter referred to as the “Board”) which will be in charge of the administration of the Act.

(2) The Board shall consist of ten persons appointed by the President as follows:

- (a) a child psychologist;
- (b) a child psychiatrist;
- (c) a qualified social worker;
- (d) a public health specialist;
- (e) an educator;
- (f) an accountant;
- (g) an attorney-at-law of not less than five years standing;
- (h) a person under the age of twenty five years, representing the youth;
- (i) a person nominated by the Tobago House of Assembly; and
- (j) a police officer above the rank of inspector who has experience in children issues and is nominated by the Commissioner of Police.

(3) The President shall appoint from among the persons mentioned in subsection (2), one member to be the Chairman of the Board.

(4) A member of the Board shall hold office for such period as stated in his instrument of appointment and shall be eligible for re-appointment.

(5) The Board at its first meeting shall, subject to the approval of the Minister, select from among its members a Deputy Chairman.

(6) A member of the Board may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister, and the Chairman may resign his office by instrument in writing addressed to the Minister.

(7) The President may terminate the appointment of a member of the Board where the member-

- (a) is of unsound mind or is incapable of carrying on his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence which brings his office into disrepute;
- (d) is guilty of misconduct in relation to his duties;
- (e) is absent, except on leave granted by the Board, during two consecutive meetings of the Board; or
- (f) fails to carry out any of the duties or functions conferred on or assigned to him under this Act.

(8) The names of the members of the Board as constituted under this Act and every change thereof, shall be published in the *Gazette*.

(9) The Board shall meet as often as required, but must meet at least once a month.

(10) The quorum for a meeting of the Board shall be seven.

(11)The Board may by way of rules or resolutions regulate its own procedure for the conduct of its business.

Custody and use  
of Seal

8. (1) The Authority shall have a Seal which shall be kept in the custody of the Chairman or Deputy Chairman.

(2) The Seal of the Authority shall be affixed to an instrument in the presence of the Chairman, or in his absence the Deputy Chairman and shall be attested by the Chairman, or the Deputy Chairman as the case may be.

(3) All documents, other than those required by law to be under seal, and all decisions of the Authority may be signified under the hand of the Chairman, or in his absence the Deputy Chairman.

Service

9. Service upon the Authority of any Notice, Order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Chairman, at the office of the Authority.

Appointment and  
responsibilities  
of the Director

10.(1) Subject to section 7, the Board shall appoint a Director who shall be responsible for the day to day functions of the Authority who shall also be the co-ordinator of all the units created in section 11.

(2) The Board may delegate any of its functions to the Director.

Composition  
of the  
Authority

11. For the effective management of its duties and functions the Authority shall have the following units:

- (a) Co-ordinating Unit;
- (b) Administrative Unit;
- (c) Technical Unit, and
- (d) the Research Unit.

Functions of  
the Co-ordinating  
Unit

12. The Co-ordinating Unit shall include qualified social workers professionally trained in child care and shall-

- (a) be responsible for the co-ordination and monitoring of all services provided by the Authority;
- (b) monitor all matters referred by the Technical Unit; and
- (c) be the direct link to the Court in respect of children who have come before the Court.

Administrative  
Unit

13. The Administrative Unit shall be responsible for:

- (a) the registration and licensing of all children's homes rehabilitation centres, foster homes and nurseries;
- (b) the monitoring of all children's comes, rehabilitation centres, foster homes, nurseries, agencies addressing children's issues and other children who have been referred to it;
- (c) the establishment and maintenance of a register of children with problems as may be identified from time to time by the Authority;
- (d) the establishment and maintenance of a register of all children placed in Children's Homes and Rehabilitation and foster homes; and
- (e) the financial management, human resource management and public relations of the Authority.

Technical  
Unit

14. (1) The Technical Unit shall comprise the Intake Center and the Reception Center.

- (2) The Intake Center shall be responsible for-

(a) the intake and referral of cases coming before the Authority;  
 (b) receiving children who are to remain in the care of the Authority; and  
 (c) where necessary, shall liaise with support service and agencies for counseling, investigations and follow up, and shall be staffed with qualified social workers specializing in child care.

(3) The Reception Center shall be responsible for the temporary care of children received by the Authority.

(4) The Reception Center shall be staffed with qualified social workers, a child psychologist and medical personnel, including a child psychiatrist who shall-

- (a) carry out initial medical examinations, diagnostic assessments and formulate treatment plans;
- (b) make recommendations to the Board on the child's placement; and
- (c) implement plans in respect of any child in the care of the Reception Center.

(5) The Reception Center may source any support services it may require with respect to any child referred by the Intake Center.

(6) A child received by the Authority shall not remain in the Reception Center for a period exceeding three weeks.

Research Unit

15. The Research Unit shall be responsible for statistical data collection, research and analysis of such data.

Staff of the Authority

16. The Authority shall appoint on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may

determine, such staff as it considers necessary for the efficient exercise and performance of its functions under this Act.

Transfer on  
secondment

17.(1) Subject to subsection (2) and to the approval of the Authority, the appropriate Service Commission and the officer, any officer in the public service may be transferred on secondment to the service of the Authority or from the service of the Authority to the public service.

(2) Where a transfer on secondment referred to in subsection (1) is effected, arrangements shall be made to preserve the rights of the officers so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of the Authority, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed three years.

Transfer of officers  
of Government to  
the Authority

18. Subject to the approval of the Authority, the appropriate Service Commission and the officer, an officer in the public service and upon transfer to the Authority shall become a member of any pension scheme operated for the benefit of employees of the Authority.

Pension rights and  
schemes

19. (1) The Authority shall provide for the establishment and maintenance of pension schemes or arrange for membership in a scheme for its employees upon terms to be agreed upon between the Authority and the recognised representative association or trade union.

(2) Without prejudice to subsection (1), the Authority may, under a pension scheme-

- (a) establish a contributory superannuation scheme and establish and contribute to superannuation funds for the benefit of its employees;

- (b) grant gratuities, pensions or superannuation allowances to the surviving spouse, families or dependants of its employees;
- (c) enter into and carry into effect, arrangements with any insurance company or other association or company for securing for any employee or surviving spouse or dependant, such gratuities, pensions or allowances authorised by this section;
- (d) give donations or subscriptions to charitable institutions, benevolent funds and other object calculated to benefit its employees.

Employment of persons for specific tasks

20. The Authority may employ, on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine, persons to perform specific tasks that the Authority considers necessary for the due performance of its functions under this Act.

Authority subject to directions of the Minister

21. The Minister may give in writing general or special directions to the Board, on policy matters, in the exercise of its duties and powers under the Act.

### **PART III**

#### **CHILDREN IN NEED OF CARE AND PROTECTION**

Power of Authority to provide for children

22. (1) Where it appears to the Authority that a child -

- (a) has neither parent nor guardian who is fit to exercise care and guardianship;
- (b) is lost or has been and remains abandoned by his parents or guardians;
- (c) whose parents or guardian are prevented by-

- (i) reason of mental or bodily disease;
- (ii) infirmity or other incapacity; or
- (iii) any other circumstances,

from providing for his up-bringing, and there is no available person or persons capable, fit or willing to undertake the care of such child;

- (d) is exposed to moral danger;
- (e) is beyond the control of his parents or guardians;
- (f) is ill-treated or neglected in a manner likely to cause him suffering or injury to health;
- (g) is destitute, or is wandering without any settled place of abode and without visible means of subsistence; or
- (h) is begging or receiving alms; or
- (i) is found loitering for the purpose of begging or receiving alms,

and that the intervention of the Authority is necessary in the best interests of the child, it shall investigate the matter and it shall be lawful where appropriate for the Authority to receive the child, into its care.

(2) A police officer or any other person having reasonable grounds for believing that a child is in need of care or protection may seek the assistance of the Authority for care or protection of such child.

(3) In this section a child is deemed to be abandoned where he has no parents or other persons willing and able to take care of him.

Temporary assumption of parental rights by the Authority

23. (1) Subject to the provisions of this Part, where the Authority receives a child into its care under section 22, it shall temporarily assume the care and control of that child (the assumption) and all the rights and powers of the parents or guardians shall temporarily vest in the Authority.

(2) The Authority shall for the purposes of obtaining an Order under section 25, bring before Court any child, received by it under section 22, within fourteen days of such reception, unless it is satisfied that the taking of proceedings is not, in its opinion, in the best interest of the child, or that proceedings are about to be taken by some other person.

(3) In satisfying itself pursuant to subsection (2) the Authority shall take into consideration the same items listed in section 6 (2).

Notice of temporary assumption

24.(1) Where the whereabouts of the parent or guardian of the child are known and they have not previously consented to the temporary assumption by the Authority, the Authority shall, within forty-eight hours upon receipt of the said child, serve on the parent or guardian, notice in writing of the temporary assumption thereof and every such notice shall inform the person on whom the notice is served of his right to object to the temporary assumption and the effect of any objection made by him.

(2) Where the person on whom a notice of temporary assumption is served under subsection (1), wishes to object to such assumption he shall serve on the Authority, within seven days of his receipt of such notice, a notice of objection stating the grounds of his objection.

(3) A notice under subsection (1), shall be effected by personal service.

(4) Where a notice of objection has been served on the Authority under subsection (2), the Authority shall notify the Court of any Notice of

objection and the Court on hearing the objector, if satisfied that the temporary assumption should in the best interest of the child be affirmed or determined affirm or determine the said assumption and in the case of termination the temporary assumption shall thereupon cease to have effect.

Powers of  
Court  
in respect of  
children in  
need of care  
and protection

25. (1) Where the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, it shall affirm the assumption made under section 23 and may make -

- (a) an Order -
  - (i) directing that the child be sent to a residence;
  - (ii) committing him to the care of a fit person under the Children's Act who is willing to undertake the care of him;
  - (iii) directing his parent or guardian to enter into a recognisance to exercise proper care and guardianship;
  - (iv) placing him for a specified period, not exceeding three years, under the supervision of the Authority;
  - (v) directing that the child be placed in foster care; or
  - (vi) freeing that child for adoption.
- (b) any other order as the Court thinks fit.

(2) An order made under subsection (1)(a)(iv) placing a child under the supervision of the Authority, may require the Authority to comply during the whole or any part of the period specified in the Order with such requirements as the Court, having regard to the circumstances of the case, considers necessary for the care and 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.

Restrictions on  
assumption

26. An assumption shall not-

- (a) be construed as terminating the rights of parents in respect of their children;
- (b) relieve any person from any liability to maintain or contribute to the maintenance of the child; or
- (c) authorize the Authority to cause a child to be brought up in any religion other than that in which the child would have been brought up by a relative.

Care of the child  
be given to parent

27. Subject to the determination by the Court under sections 24(4) and 25, the Authority may, where it appears to be in the best interest of the child to do so, allow the physical care of the child to be taken over by a guardian, relative, friend or any other person, for such period as the Authority may determine.

Offence to assist  
runaway

28. Any person who knowingly –

- (a) and without good cause prevents a child from returning to the place from which he has run away;
- (b) assists or induces or attempts to induce a child to whom sections 22 through 25 applies to run away from the care of the Authority; or
- (c) harbours or conceals a child who has run away from the care of the Authority,

commits an offence and shall on summary conviction be liable to a fine not exceeding one thousand five hundred dollars, to do Community Service or imprisonment for a term of six months.

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

29. The reception of a child into care by the Authority under section 22 and the making of an Assumption Order with respect to that child under sections 24(4) and 25 shall not affect any supervision order or probation order previously made by the Court with respect to that child.

Children certifiable as mental patients  
Chap. 28:02

30.(1) Where an assumption has been made under sections 24(4) and 25 with respect to any child and subsequently that child is determined mentally ill, under the Mental Health Act, such determination resulting in the admission of the child to a psychiatric hospital, the Authority shall continue to exercise parental responsibility and rights in respect of that child notwithstanding the Authority does not have physical control of the child.

(2) Where a child mentioned under subsection (1) is under the care of a psychiatric hospital, the Psychiatric Hospital Director of the institution shall submit to the Authority, periodical reports of the child's mental status.

Parents to inform the Authority of their whereabouts

31. (1) The parent or guardian of a child in the care of the Authority shall ensure that the Authority is informed of the whereabouts of the parent or guardian.

(2) A parent or guardian who knowingly fails to comply with subsection (1), commits an offence and on summary conviction shall be liable to a fine of five hundred dollars.

Leaving the country without proper arrangements

32. (1) Where the Authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the care of the child, it may object to the Chief Immigration Officer to such person leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority that-

(a) the child is not likely to become a charge on the public funds;

or

(b) such child is not exposed to moral danger or neglect by reason of lack of care and maintenance.

(2) The Chief Immigration Officer on receipt of such objection may, refuse to permit the person to leave Trinidad and Tobago.

(3) Where at any time reasons for an objection no longer exist the Authority shall advise the Chief Immigration Officer and the person referred to in subsection (1) accordingly.

(4) A person aggrieved by the decision of the Chief Immigration Officer may appeal to the Minister against such decision and he may either confirm or revoke the said decision.

Powers of the Court with respect to offences in the Schedule

33.(1) Any Court before which a person is charged for having committed an offence in respect of a child mentioned in the Schedule or any offence under this Act, may direct that the child be brought before the Court with a view to making an order, under section 25.

(2) Where the Court has, under subsection (1), directed that a child be brought before the Court, it shall be the duty of the Authority to make every effort to bring such child before Court whether the child is in the custody of the Authority or not.

(3) The Minister may by Order amend the Schedule.

#### **PART IV**

#### **CARE OF CHILDREN UNDER THE AUTHORITY**

Provision of accommodation

34. (1) The Authority may support or provide, equip and maintain community residences for the accommodation of children in its care.

(2) The Authority may discharge its functions under this section by making arrangements with private bodies for the accommodation of children in its care.

Provision of hostels for children who are over sixteen

35. (1) The Authority shall ensure that children who are over sixteen years and who have no other place to reside, be accommodated in hostels near the place, as far as possible, where they may be employed, or seeking employment or receiving education or training.

(2) In this part “hostel” means a voluntary residence for persons up to the age of 21, on payment of a fee.

Power of the Authority to arrange for the emigration of children in its care

36. (1) The Authority may, with the consent of the Minister, procure or assist in procuring emigration for any child in its care.

(2) The Minister shall not give his consent under this section unless he is satisfied that-

- (a) emigration would benefit the child;
- (b) suitable arrangements have been or will be made for the child’s reception;
- (c) proper arrangements for the child’s welfare in the country to which he is going has been made;
- (d) the parents or guardians of the child have been consulted; and
- (e) that the child consents.

(3) In any case where the child, is accompanied by a parent, guardian or relative or is to emigrate for the purpose of joining a parent, guardian, relative or friend, but is too young to form or express an opinion, the Minister may consent to his emigration, notwithstanding that the said child is unable to consent.

Disposal of deceased children

37. (1) Where a child who is under the care of the Authority, has been placed in a community residence or foster home and that child dies while resident at such place, the Manager of the community residence or foster parent shall inform the Authority forthwith of the child's death.

(2) It shall be the duty of the Authority-

- (a) to immediately inform the parents and relatives of the deceased child of that child's death;
- (b) where the parents or relatives of the deceased child wish to bury the child, to release the child's body to them for burial; and
- (c) where no such wish referred to in paragraph (b) is expressed, to dispose of the body of any deceased child who immediately before his death was in the care of the Authority, in accordance with the Burial Grounds Act and Cremation Act.

Chap 30:50  
Chap 30:51

(3) Where the Authority disposes of a body of a deceased child under subsection (1) it may, where it is of the opinion that the parent or guardian of the child would have had the means to cover the burial or cremation expenses, without prejudice to any other method for the recovery thereof, recover such sums as a civil debt.

Power of Authority to defray expenses of parents visiting children or attending funerals

38. The Authority may, if it deems fit, make payments to any parent or guardian or other persons concerned with a child in its care in respect of travelling, subsistence or other expenses incurred by the parent, guardian or other person in visiting the child or attending his funeral.

## PART V

### MAINTENANCE OF CHILDREN IN CARE

Contribution  
in respect of  
children under  
the Authority

39. (1) The Authority shall arrange with the parents or the guardian of a child for a contribution according to their means towards the maintenance of the child who is in the care of the Authority.

(2) Where an agreement cannot be reached in accordance with subsection (1), the Authority shall apply to the Court for an order for the maintenance of the child, having regard to the means of the parent or guardian.

(3) Where a person, other than the parent, is liable to maintain a child, an order under this section may be made on that person notwithstanding that there may also be a parent.

(4) An order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the Authority and on fourteen days notice of such application being given to the Authority or person on whom the order was made, be varied by the Court.

Paternity Orders

40.(1) A Court may, upon the hearing of an application under section 39 against any person in respect of the maintenance of any child, if it is alleged that he is the father of such child, make a paternity order against him in accordance with section 23 of the Family Law (Guardianship, Domicile and Maintenance) Act.

Chap. 46:08

(2) In making an order under this section the Court may direct that any amount payable under that Act, shall in the future be paid into the Authority.

Contribution in  
respect of young  
offenders

41.(1) The Court may, on complaint being made by Authority, at any time whilst a youthful offender or a child is detained, make order against a parent or any other person for the payment to the Authority of such weekly or monthly sum during the whole or any part of the time for which the youthful offender or child is kept.

(2) If the Court making the detention order is the upper division, then that Court may, if it thinks fit, remit the case to the lower division of the district in which the youthful offender or child was committed for trial, for the purpose of making an order under this section, and, upon the case being so remitted, the Magistrate shall have power to make any such order under this section as the upper division might have made.

(3) An order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the Authority and on fourteen days notice of such application being given to the Authority or person on whom the order was made, be varied by the Court.

Parent to inform  
change of  
address

42. Where a parent or other person has been ordered to contribute to the maintenance of a child, he shall give notice of any change of address to the Authority and a person who fails to do so without reasonable excuse commits an offence and on summary conviction shall be liable to a fine of five hundred dollars.

Recovery and  
enforcement of  
Orders and  
contributions

43.(1) A Court making an order for a contribution by a parent or any other person may, in the case where there is any pension or income payable to such parent or other person capable of being attached, after giving such parent or person an opportunity of being heard, order that such part of the pension or income, as the Court may see fit, be attached and be paid to the person named by the Court in accordance with the Attachment of Earnings (Maintenance) Act.

Act No 14 of 1988

(2) An order under subsection (1), shall be sufficient authority to the person by whom such pension or other income is payable to make the payment to the person or body so ordered, and the receipt by the person to whom the payment is so ordered shall be a sufficient discharge of the obligation of the first named person.

(3) All sums of money ordered to be paid under this section, may be recovered summarily by distress and sale of the goods and chattels of the person upon whom such order is made, and where sufficient distress is not found, such person may be liable for imprisonment for a term of two months.

Contribution  
by the child

44. A person who has attained the age of sixteen years and is engaged in the remunerative work shall be liable to make contributions to the Authority in respect of himself and where no agreement can be reached or where an agreement is not being complied with the Court may order the payments of an appropriate amount by him according to his means.

Duration  
of Order

45. A Contribution Order made under this Part shall remain in force as long as the child is in the care of the Authority but a person may at any time apply to the Court for the order to be varied or discharged.

## **PART VI**

### **FINANCIAL PROVISIONS**

Creation of the Fund

46.(1) There is hereby established a Fund called the Children Authority Fund.

(2) The revenue of the Fund shall be-

- (a) money allocated to the Authority by Parliament;
- (b) grants, donations and assistance received by national and international organisations and agencies; and
- (c) monies and fees received under the Act.

Application of  
the Fund

47. (1) The monies in the Fund shall be utilised for defraying the following expenses:

- (a) administration of the Act;
- (b) remuneration and allowances for the members of the Board;
- (c) payment of salaries and allowances for the members of the staff; and

(d) any other expenditure authorised by the Board for the exercise of its powers.

(2) The accounts of the Authority shall be maintained in accordance with the generally accepted accounting principles.

Rules for  
accounting  
and audit

48.(1) The Board shall prescribe Rules for the proper control of the system of accounting and the financial management of the Authority including provision for an adequate system of internal auditing.

(2) The accounts of the Authority shall be audited annually by the Auditor General or by a qualified auditor appointed by the Auditor General.

Annual Report

49. (1) The Board shall within three months of the end of each financial year submit to the Minister an annual report dealing with the activities of the Authority during the financial year, together with financial statements and such other information relating to the operations and functions of the Authority.

(2) The Minister shall cause a copy of the report and the financial statements and such other information submitted under subsection (1) to be laid before Parliament within twenty eight days of its receipt by him.

## **PART VII MISCELLANEOUS**

Authority to make  
Regulations

50. The Authority may, with the approval of the Minister, make regulations in respect of-

- (a) the burial of children in the care of the Authority; and
- (b) matters which are required to be prescribed and for the purpose of giving effect to the provisions of the Act.

**SCHEDULE****OFFENCES**

(Section 33)

Sections -

4 or 5 of the Summary Offences Act, Chap. 11:02

6, 21, 32, 34 to 40 inclusive, 45, 48, 54 or 61 of the Offences Against the Person Act, Chap. 11:08

3 to 8 inclusive, 24 to 28 (inclusive) of the Children Act, Chap. 28:07

2 to 9 (inclusive) or 11 of the Sexual Offences Act, No 28 of 1996

2 of the Domestic Violence Act, No 10 of 1991

Buggery or any of the offences involving bodily injury to a child or young person.

Passed in the House of Representatives this                      day of                      , 1999.

Clerk of the House

It is hereby certified that this Act is one the Bill for which has been passed in the House and at the final vote thereon in the House has been supported by the votes of not less that three-fifths of all members of the House that is to say by the votes of                      members of the House:

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this            day of            , 1999.

Clerk of the Senate

It is hereby certified that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less that three-fifths of all members of the Senate that is to say by the votes of            members of the Senate.

Clerk of the Senate

I confirm the above

President of the Senate